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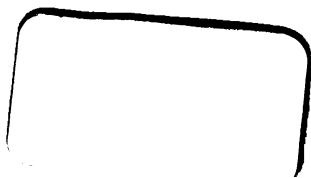
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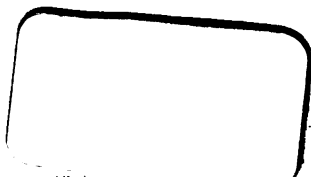
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*U.S.*  
**Bankrupt Law of 1867**

AND

**SYLLABUS OF CONTENTS,**

TOGETHER WITH THE

**RULES AND ORDERS,**

AND

**Forms & Proceedings**

IN

**BANKRUPTCY,**

AS PROMULGATED BY THE

**SUPREME COURT OF THE UNITED STATES,**

WITH

**Alphabetical Index.**

*Dec 11*  
*States*  
GOVERNMENT

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, WASHINGTON.

See Second, Third, and Fourth

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OF THE UNITED STATES.

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## LAW OF 1868.

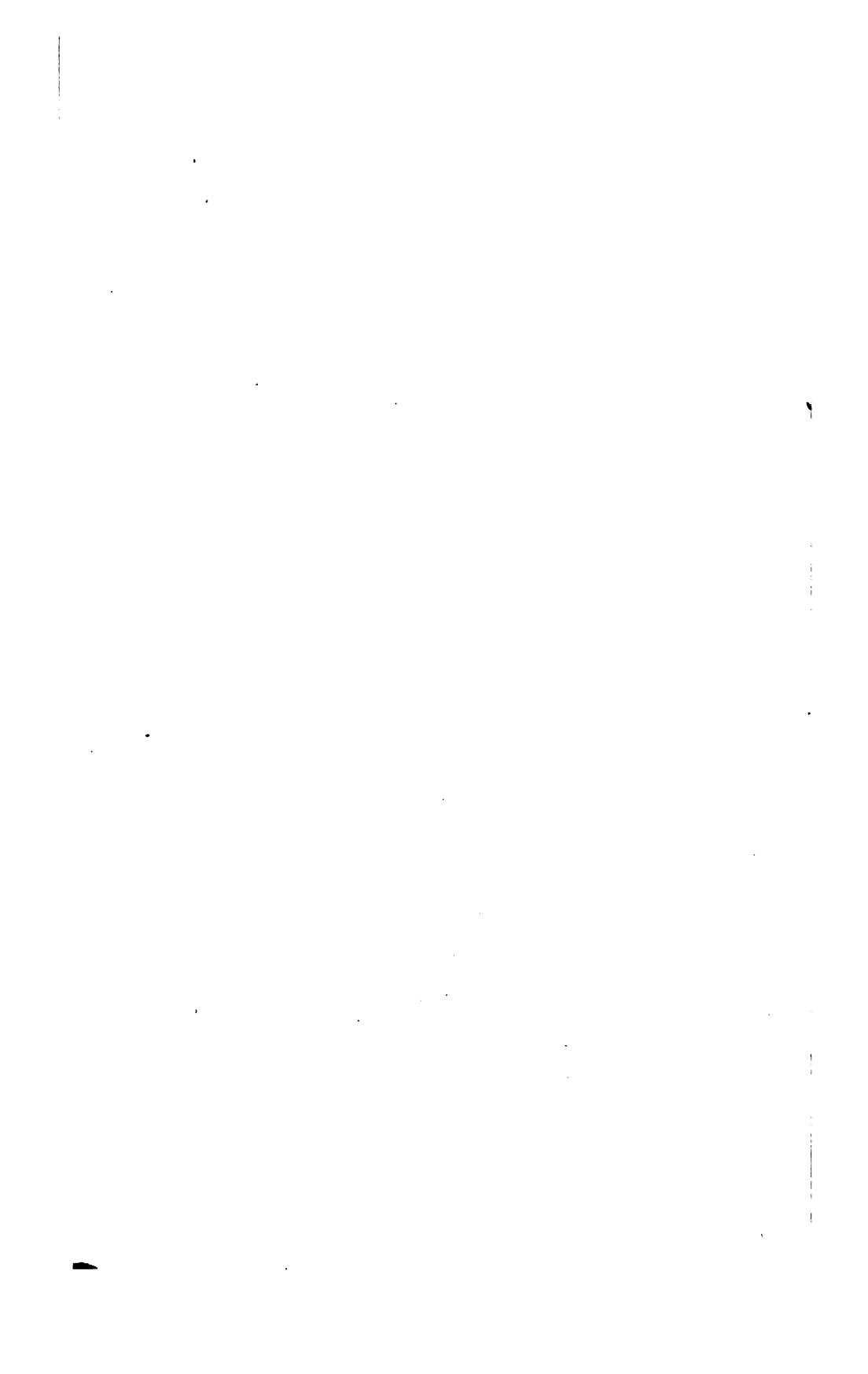
AN ACT in amendment of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March second, eighteen hundred and sixty-seven.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of second clause of the thirty-third section of said act shall not apply to the cases of proceedings in bankrupt[cy] commenced prior to the first day of January, eighteen hundred and sixty-nine, and the time during which the operation of the provisions of said clause is postponed shall be extended until said first day of January, eighteen hundred and sixty-nine. And said clause is hereby so amended as to read as follows: In all proceedings in bankruptcy commenced after the first day of January, eighteen hundred and sixty-nine, no discharge shall be granted to a debtor whose assets shall not be equal to fifty per centum of the claims proved against his estate upon which he shall be liable as the principal debtor, unless the assent in writing of a majority in number and value of his creditors to whom he shall have become liable as principal debtor, and who shall have proved their claims, be filed in the case at or before the time of the hearing of the application for discharge.

SEC. 2. *And be it further enacted,* That said act be further amended as follows: The phrase "presented or defended" in the fourteenth section of said act shall read "prosecuted or defended;" the phrase "non-resident debtors" in line five, section twenty-two, of the act as printed in the Statutes at Large, shall read "non-resident creditors;" that the word "or" in the next to the last line of the thirty-ninth section of the act shall read "and;" that the phrase "section thirteen" in the forty-second section of said act shall read "section eleven;" and the phrase "or spends any part thereof in gaming" in the forty-fourth section of said act shall read "or shall spend any part thereof in gaming;" and that the words "with the senior register, or" and the phrase "to be delivered to the register" in the forty-seventh section of said act be stricken out.

SEC. 3. *And be it further enacted,* That registers in bankruptcy shall have power to administer oaths in all cases and in relation to all matters in which oaths may be administered by commissioners of the circuit courts of the United States, and such commissioners may take proof of debts in bankruptcy in all cases, subject to the revision of such proofs by the register and by the court according to the provisions of said act.

Approved, July 27, 1868.



**THE**  
**BANKRUPT LAW OF 1867,**

**WITH**

**GENERAL ORDERS**

**AND**

**FORMS OF PROCEEDING IN BANKRUPTCY,**

**AS PROMULGATED BY**

**THE SUPREME COURT OF THE UNITED STATES.**

---

**WASHINGTON:**  
**GOVERNMENT PRINTING OFFICE.**  
**1867.**



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AN ACT  
TO ESTABLISH  
A UNIFORM SYSTEM OF BANKRUPTCY  
THROUGHOUT  
THE UNITED STATES.

---

1.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the several DISTRICT COURTS of the United States be, and they hereby are, constituted courts of bankruptcy, and they shall have original jurisdiction in their respective districts in all matters and proceedings in bankruptcy; and they are hereby authorized to hear and adjudicate upon the same according to the provisions of this act.

2.

The said courts shall always be open for the transaction of business under this act, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court.

3.

And the jurisdiction hereby conferred shall extend—

To all cases and controversies arising between the bankrupt and any creditor or creditors who shall claim any debt or demand under the bankruptcy;

To the collection of all the assets of the bankrupt;

To the ascertainment and liquidation of the liens and other specific claims thereon;

To the adjustment of the various priorities and conflicting interests of all parties;

And to the marshalling and disposition of the different funds and assets, so as to secure the rights of all parties and due distribution of the assets among all the creditors;

And to all acts, matters, and things to be done under and in virtue of the bankruptcy, until the final distribution and settlement of the estate of the bankrupt, and the close of the proceedings in bankruptcy.

4.

The said courts shall have full authority to compel obedience to all orders and decrees passed by them in bankruptcy, by process of con-

tempt and other remedial process, to the same extent that the circuit courts now have in any suit pending therein in equity.

5.

Said courts may sit for the transaction of business in bankruptcy at any place in the district, of which place and the time of holding court they shall have given notice, as well as at the places designated by law for holding such courts.

6.

#### SECTION FORTY-NINE.

*And be it further enacted*, That all the jurisdiction, power, and authority conferred upon and vested in the district court of the United States by this act in cases in bankruptcy are hereby conferred upon and vested in the supreme court of the District of Columbia.

7.

And in and upon the supreme courts of the several Territories of the United States, when the bankrupt resides in the said District of Columbia, or in either of the said Territories.

8.

And in those judicial districts which are not within any organized circuit of the United States, the power and jurisdiction of a circuit court in bankruptcy may be exercised by the district judge.

9.

#### SECTION TWO.

*And be it further enacted*, That the several circuit courts of the United States, within and for the districts where the proceedings in bankruptcy shall be pending, shall have a general superintendence and jurisdiction of all cases and questions arising under this act; and, except when special provision is otherwise made, may, upon bill, petition, or other proper process, of any party aggrieved, hear and determine the case as a court of equity.

10.

The powers and jurisdiction hereby granted may be exercised either by said court or by any justice thereof in term time or vacation.

11.

Said circuit courts shall also have concurrent jurisdiction with the district courts of the same district of all suits at law or in equity which may or shall be brought by the assignee in bankruptcy against any person claiming an adverse interest, or by such person against such assignee, touching any property or rights of property of said bankrupt transferable to or vested in such assignee.

12.

But no suit at law or in equity shall in any case be maintainable by or against such assignee, or by or against any person claiming an adverse interest, touching the property and rights of property aforesaid, in any court whatsoever, unless the same shall be brought within two years from the time the cause of action accrued, for or against such assignee: *Provided*, That nothing herein contained shall revive a right of action barred at the time such assignee is appointed.

13.

SECTION THREE.

*And be it further enacted*, That it shall be the duty of the judges of the district courts of the United States within and for the several districts, to appoint in each congressional district in said districts, upon the nomination and recommendation of the Chief Justice of the Supreme Court of the United States, one or more registers in bankruptcy, to assist the judge of the district court in the performance of his duties under this act.

14.

No person shall be eligible to such appointment unless he be a counsellor of said court, or of some one of the courts of record of the State in which he resides.

15.

Before entering upon the duties of his office, every person so appointed a register in bankruptcy shall give a bond to the United States, with condition that he will faithfully discharge the duties of his office, in a sum not less than one thousand dollars, to be fixed by said court, with sureties satisfactory to said court, or to either of the said justices thereof.

16.

And he shall, in open court, take and subscribe the oath prescribed in the act entitled "An act to prescribe an oath of office, and for other purposes," approved July second, eighteen hundred and sixty-two, and also that he will not during his continuation in office be, directly or indirectly, interested in or benefited by the fees or emoluments arising from any suit or matter pending in bankruptcy, in either the district or circuit court in his district.

17

SECTION FOUR.

*And be it further enacted*, That every register in bankruptcy, so appointed and qualified, shall have power, and it shall be his duty—

- To make adjudication of bankruptcy;
- To receive the surrender of any bankrupt;
- To administer oaths in all proceedings before him;
- To hold and preside at meetings of creditors;

To take proof of debts;

To make all computations of dividends, and all orders of distribution, and to furnish the assignee with a certified copy of such orders, and of the schedules of creditors and assets filed in each case;

To audit and pass accounts of assignees;

To grant protection;

To pass the last examination of any bankrupt in cases whenever the assignee or a creditor do not oppose;

And to sit in chambers and despatch there such part of the administrative business of the court and such uncontested matters as shall be defined in general rules and orders, or as the district judge shall in any particular matter direct;

And he shall also make short memoranda of his proceedings in each case in which he shall act, in a docket to be kept by him for that purpose, and he shall forthwith as the proceedings are taken forward to the clerk of the district court a certified copy of said memoranda, which shall be entered by said clerk in the proper minute book to be kept in his office;

And any register of the court may act for any other register thereof.

18.

*Provided, however,* That nothing in this section contained shall empower a register to commit for contempt, or to hear a disputed adjudication, or any question of the allowance or suspension of an order of discharge.

19.

But in all matters where an issue of fact or of law is raised and contested by any party to the proceedings before him, it shall be his duty to cause the question or issue to be stated by the opposing parties in writing, and he shall adjourn the same into court for decision by the judge.

20.

No register shall be of counsel, or attorney, either in or out of court, in any suit or matter pending in bankruptcy in either the circuit or district court of his district, nor in an appeal therefrom; nor shall he be executor, administrator, guardian, commissioner, appraiser, divider, or assignee of or upon any estate within the jurisdiction of either of said courts of bankruptcy, nor be interested in the fees or emoluments arising from either of said trusts.

21.

The fees of said registers, as established by this act, and by the general rules and orders required to be framed under it, shall be paid to them by the parties for whom the services may be rendered, in the course of proceedings authorized by this act.

22.

SECTION FIVE.

*And be it further enacted,* That the judge of the district court may direct

a register to attend at any place within the district for the purpose of hearing such voluntary applications under this act as may not be opposed, of attending any meeting of creditors, or receiving any proof of debts, and, generally, for the prosecution of any bankruptcy or other proceedings under this act; [and the travelling and incidental expenses of such register, and of any clerk or other officer attending him, incurred in so acting, shall be settled by said court in accordance with the rules prescribed under the tenth section of this act, and paid out of the assets of the estate in respect of which such register has so acted; or if there be no such assets, or if the assets shall be insufficient, then such expenses shall form a part of the costs in the case or cases in which the register shall have acted in such journey, to be apportioned by the judge;] and such register, so acting, shall have and exercise all powers, except the power of commitment, vested in the district court for the summoning and examination of persons or witnesses, and for requiring the production of books, papers, and documents.

23.

*Provided, always,* That all depositions of persons and witnesses taken before said register, and all acts done by him, shall be reduced to writing, and be signed by him, and shall be filed in the clerk's office as part of the proceedings.

24.

Such register shall be subject to removal by the judge of the district court;

25.

And all vacancies occurring by such removal, or by resignation, change of residence, death or disability, shall be promptly filled by other fit persons, unless said court shall deem the continuance of the particular office unnecessary.

26.

#### SECTION SIX.

*And be it further enacted,* That any party shall, during the proceedings before a register, be at liberty to take the opinion of the district judge upon any point or matter arising in the course of such proceedings, or upon the result of such proceedings, which shall be stated by the register in the shape of a short certificate to the judge, who shall sign the same if he approve thereof; and such certificate, so signed, shall be binding on all the parties to the proceeding; but every such certificate may be discharged or varied by the judge at chambers or in open court.

27.

In any bankruptcy, or in any other proceedings within the jurisdiction of the court, under this act, the parties concerned, or sub-

mitting to such jurisdiction, may at any stage of the proceedings, by consent, state any question or questions in a special case for the opinion of the court, and the judgment of the court shall be final, unless it be agreed and stated in such special case that either party may appeal, if, in such case, an appeal is allowed by this act.

28.

The parties may also, if they think fit, agree that upon the question or questions raised by such special case being finally decided, a sum of money, fixed by the parties, or to be ascertained by the court, or in such manner as the court may direct, or any property, or the amount of any disputed debt or claim, shall be paid, delivered, or transferred by one of such parties to the other of them either with or without costs.

29.

## SECTION SEVEN.

*And be it further enacted,* That parties and witnesses summoned before a register shall be bound to attend in pursuance of such summons at the place and the time designated therein, and shall be entitled to protection, and be liable to process of contempt in like manner as parties and witnesses are now liable thereto in case of default in attendance under any writ of subpoena.

30.

And all persons wilfully and corruptly swearing or affirming falsely before a register shall be liable to all the penalties, punishments, and consequences of perjury.

31.

If any person examined before a register shall refuse or decline to answer, or to swear to or sign his examination when taken, the register shall refer the matter to the judge, who shall have power to order the person so acting to pay the costs thereby occasioned, if such person be compellable by law to answer such question or to sign such examination, and such person shall also be liable to be punished for contempt.

32.

## SECTION EIGHT.

*And be it further enacted,* That appeals may be taken from the district to the circuit courts in all cases in equity, and writs of error may be allowed to said circuit courts from said district courts in cases at law under the jurisdiction created by this act when the debt or damages claimed amount to more than five hundred dollars; and any supposed creditor, whose claim is wholly or in part rejected, or an



assignee who is dissatisfied with the allowance of a claim, may appeal from the decision of the district court to the circuit court from the same district; but no appeal shall be allowed in any case from the district to the circuit court unless it is claimed, and notice given thereof to the clerk of the district court, to be entered with the record of the proceedings, and also to the assignee or creditor, as the case may be, or to the defeated party in equity, within ten days after the entry of the decree or decision appealed from.

The appeal shall be entered at the term of the circuit court which shall be first held within and for the district next after the expiration of ten days from the time of claiming the same.

But if the appellant in writing waives his appeal before any decision thereon, proceedings may be had in the district court as if no appeal had been taken.

And no appeal shall be allowed unless the appellant, at the time of claiming the same, shall give bond in manner now required by law in cases of such appeals.

No writ of error shall be allowed unless the party claiming it shall comply with the statutes regulating the granting of such writs.

33.

SECTION NINE.

*And be it further enacted,* That in cases arising under this act no appeal or writ of error shall be allowed in any case from the circuit courts to the Supreme Court of the United States, unless the matter in dispute in such case shall exceed two thousand dollars.

.34.

SECTION TEN.

*And be it further enacted,* That the justices of the Supreme Court of the United States, subject to the provisions of this act, shall frame GENERAL ORDERS for the following purposes—

For regulating the practice and procedure of the district courts in bankruptcy, and the several forms of petitions, orders, and other proceedings to be used in said courts in all matters under this act;

For regulating the duties of the various offices of said court;

For regulating the fees payable and the charges and costs to be allowed, except such as are established by this act or by law, with respect to all proceedings in bankruptcy before said courts, not exceeding the rate of fees now allowed by law for similar services in other proceedings;

For regulating the practice and procedure upon appeals;

For regulating the filing, custody, and inspection of records;

And generally for carrying the provisions of this act into effect;

After such general orders shall have been so framed, they or any of them may be rescinded or varied, and other general orders may be framed in manner aforesaid.

## 35.

And all such general orders so framed shall, from time to time, by the justices of the Supreme Court, be reported to Congress, with such suggestions as said justices may think proper

## 36.

## SECTION ELEVEN.

*And be it further enacted*, That if any person residing within the jurisdiction of the United States, owing debts provable under this act exceeding the amount of three hundred dollars, shall apply by petition addressed to the judge of the judicial district in which such debtor has resided or carried on business for the six months next immediately preceding the time of filing such petition, or for the longest period during such six months, setting forth *his place of residence, his inability to pay all his debts in full, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain the benefit of this act;*

And shall annex to his petition a SCHEDULE, verified by oath before the court or before a register in bankruptcy, or before one of the commissioners of the circuit court of the United States, containing a full and true statement of all his debts, and, as far as possible, to whom due, with the place of residence of each creditor, if known to the debtor, and if not known the fact to be so stated, and the sum due to each creditor; also the nature of each debt or demand, whether founded on written security, obligation, contract, or otherwise, and also the true cause and consideration of such indebtedness in each case, and the place where such indebtedness accrued, and a statement of any existing mortgage, pledge, lien, judgment, or collateral or other security given for the payment of the same;

And shall also annex to his petition an accurate INVENTORY, verified in like manner, of all his estate, both real and personal, assignable under this act, describing the same and stating where it is situated, and whether there are any, and, if so, what encumbrances thereon;

## 37.

The filing of such petition shall be an act of bankruptcy, and such petitioner shall be adjudged a bankrupt.

## 38.

*Provided*, That all citizens of the United States petitioning to be declared bankrupt, shall, on filing such petition, and before any proceedings thereon, take and subscribe an oath of allegiance and fidelity to the United States, which oath shall be filed and recorded with the proceedings in bankruptcy.

## 39.

And the judge of the district court, or if there be no opposing party, any register of said court, to be designated by the judge, shall

forthwith, if he be satisfied that the debts due from the petitioner exceed three hundred dollars, issue a WARRANT, to be signed by such judge or register, directed to the marshal of said district, authorizing him forthwith, as messenger, to publish notices in such newspapers as the warrant specifies; to serve written or printed notice, by mail or personally, on all creditors upon the schedule filed with the debtor's petition, or whose names may be given to him in addition by the debtor, and to give such personal or other notice to any persons concerned as the warrant specifies, which notice shall state:

First. That a warrant in bankruptcy has been issued against the estate of the debtor.

Second. That the payment of any debts, and the delivery of any property belonging to such debtor to him or for his use, and the transfer of any property by him, are forbidden by law.

Third. That a meeting of the creditors of the debtor, giving the names, residences, and amounts, so far as known, to prove their debts and choose one or more assignees of his estate, will be held at a court of bankruptcy, to be holden at a time and place designated in the warrant, not less than ten nor more than ninety days after the issuing of the same.

40.

#### SECTION TWELVE.

*And be it further enacted,* That at the meeting held in pursuance of the notice one of the registers of the court shall preside, and the messenger shall make return of the warrant and of his doings thereon; and if it appears that the notice to the creditors has not been given as required in the warrant, the meeting shall forthwith be adjourned, and a new notice given as required.

41.

If the debtor dies after the issuing of the warrant, the proceedings may be continued and concluded in like manner as if he had lived.

42.

#### SECTION THIRTEEN.

*And be it further enacted,* That the creditors shall, at the first meeting held after due notice from the messenger, in presence of a register designated by the court, choose one or more ASSIGNEES of the estate of the debtor; the choice to be made by the greater part in value and in number of the creditors who have proved their debts.

43.

If no choice is made by the creditors at said meeting, the judge, or if there be no opposing interest, the register, shall appoint one or more assignees.

44.

If an assignee, so chosen or appointed, fails within five days to express in writing his acceptance of the trust, the judge or register may fill the vacancy.

## 45.

All elections or appointments of assignees shall be subject to the approval of the judge; and when in his judgment it is for any cause needful or expedient, he may appoint additional assignees, or order a new election.

## 46.

The judge at any time may, and, upon the request in writing of any creditor who has proved his claim, shall require the assignee to give good and sufficient bond to the United States with a condition for the faithful performance and discharge of his duties.

## 47.

The bond shall be approved by the judge or register by his indorsement thereon, shall be filed with the record of the case, and inure to the benefit of all creditors proving their claims, and may be prosecuted in the name and for the benefit of any injured party.

## 48.

If the assignee fails to give the bond within such time as the judge orders, not exceeding ten days after notice to him of such order, the judge shall remove him and appoint another in his place.

## 49

## SECTION FOURTEEN.

*And be it further enacted,* That as soon as said assignee is appointed and qualified, the judge, or where there is no opposing interest, the register, shall, by an instrument under his hand, assign and convey to the assignee all the estate, real and personal, of the bankrupt, with all his deeds, books, and papers relating thereto, and such assignment shall relate back to the commencement of said proceedings in bankruptcy, and thereupon, by operation of law, the title to all such property and estate, both real and personal, shall vest in said assignee, although the same is then attached on mesne process as the property of the debtor, and shall dissolve any such attachment made within four months next preceding the commencement of said proceedings:

## 50.

*Provided, however,* That there shall be excepted from the operation of the provisions of this section—

The necessary household and kitchen furniture, and such other articles and necessities of such bankrupt as the said assignee shall designate and set apart, having reference in the amount to the family, condition, and circumstances of the bankrupt, but altogether not to exceed in value, in any case, the sum of five hundred dollars;

And also the wearing apparel of such bankrupt, and that of his wife and children;

And the uniform, arms, and equipments of any person who is or has been a soldier in the militia or in the service of the United States;

And such other property as now is, or hereafter shall be exempted

from attachment or seizure, or levy on execution by the laws of the United States;

And such other property not included in the foregoing exceptions as is exempted from levy and sale upon execution or other process or order of any court by the laws of the State in which the bankrupt has his domicile at the time of the commencement of the proceedings in bankruptcy, to an amount not exceeding that allowed by such State exemption laws in force in the year eighteen hundred and sixty-four:

51.

*Provided*, That the foregoing exception shall operate as a limitation upon the conveyance of the property of the bankrupt to his assignees.

52.

And in no case shall the property hereby excepted pass to the assignees, or the title of the bankrupt thereto be impaired or affected by any of the provisions of this act.

53.

And the determination of the assignee in the matter shall, on exception taken, be subject to the final decision of the said court:

54.

*And provided further*, That no mortgage of any vessel or of any other goods or chattels, made as security for any debt or debts in good faith and for present considerations and otherwise valid, and duly recorded, pursuant to any statute of the United States or of any State, shall be invalidated or affected hereby.

55.

And all the property conveyed by the bankrupt in fraud of his creditors:

All rights in equity, choses in action, patents and patent rights and copyrights;

All debts due him, or any person for his use, and all liens and securities therefor;

And all his rights of action for property or estate, real or personal, and for any cause of action which the bankrupt had against any person arising from contract or from the unlawful taking or detention, or of injury to the property of the bankrupt, and all his rights of redeeming such property or estate, with the like right, title, power, and authority to sell, manage, dispose of, sue for, and recover or defend the same, as the bankrupt might or could have had if no assignment had been made, *shall, in virtue of the adjudication of bankruptcy and the appointment of his assignee, be at once vested in such assignee.*

56.

And he may sue for and recover the said estate, debts, and effects, and may prosecute and defend all suits at law or in equity, pending

at the time of the adjudication of bankruptcy, in which such bankrupt is a party in his own name, in the same manner and with the like effect as they might have been presented or defended by such bankrupt.

## 57.

And a copy, duly certified by the clerk of the court, under the seal thereof, of the assignment made by the judge or register, as the case may be, to him as assignee, shall be conclusive evidence of his title as such assignee to take, hold, sue for, and recover the property of the bankrupt, as hereinbefore mentioned; but no property held by the bankrupt in trust shall pass by such assignment. 65, 73.

## 58.

No person shall be entitled to maintain an action against an assignee in bankruptcy for anything done by him as such assignee without previously giving him twenty days' notice of such action, specifying the cause thereof, to the end that such assignee may have an opportunity of tendering amends, should he see fit to do so.

## 59.

No person shall be entitled, as against the assignee, to withhold from him possession of any books of account of the bankrupt, or claim any lien thereon.

## 60.

And no suit in which the assignee is a party shall be abated by his death or removal from office, but the same may be prosecuted and defended by his successor, or by the surviving or remaining assignee, as the case may be.

## 61.

The assignee shall have authority, under the order and direction of the court, to redeem or discharge any mortgage or conditional contract, or pledge or deposit, or lien upon any property, real or personal, whenever payable, and to tender due performance of the condition thereof, or to sell the same subject to such mortgage, lien, or other encumbrances.

## 62.

The debtor shall also, at the request of the assignee and at the expense of the estate, make and execute any instruments, deeds, and writings which may be proper to enable the assignee to possess himself fully of all the assets of the bankrupt. 119.

## 63.

The assignee shall immediately give notice of his appointment, by publication at least once a week for three successive weeks in such newspapers as shall for that purpose be designated by the court, due

regard being had to their general circulation in the district or in that portion of the district in which the bankrupt and his creditors shall reside.

64.

And shall within six months cause the assignment to him to be recorded in every registry of deeds or other office within the United States where a conveyance of any land owned by the bankrupt ought by law to be recorded.

65.

And the record of such assignment, or a duly certified copy thereof, shall be evidence thereof in all courts. 57.

66.

#### SECTION FIFTEEN.

*And be it further enacted,* That the assignee shall demand and receive from any and all persons holding the same all the estate assigned, or intended to be assigned, under the provisions of this act.

67.

And he shall sell all such unencumbered estate, real and personal, which comes to his hands, on such terms as he thinks most for the interest of the creditors. 115, 130.

68.

But upon petition of any person interested, and for cause shown, the court may make such order concerning the time, place, and manner of sale as will, in its opinion, prove to the interest of the creditors.

69.

And the assignee shall keep a regular account of all money received by him as assignee, to which every creditor shall, at reasonable times, have free resort.

70.

#### SECTION SIXTEEN.

*And be it further enacted,* That the assignee shall have the like remedy to recover all said estate, debts, and effects in his own name, as the debtor might have had if the decree in bankruptcy had not been rendered and no assignment had been made.

71.

If at the time of the commencement of proceedings in bankruptcy an action is pending in the name of the debtor for the recovery of a debt or other thing which might or ought to pass to the assignee by the assignment, the assignee shall, if he requires it, be admitted to prosecute the action in his own name, in like manner and with like effect as if it had been originally commenced by him.

72.

No suit pending in the name of the assignee shall be abated by his death or removal; but upon the motion of the surviving or remaining or new assignee, as the case may be, he shall be admitted to prosecute the suit in like manner and with like effect as if it had been originally commenced by him.

73.

In suits prosecuted by the assignee a certified copy of the assignment made to him by the judge or register shall be conclusive evidence of his authority to sue. 57, 65.

74.

## SECTION SEVENTEEN.

*And be it further enacted,* That the assignee shall, as soon as may be after receiving any money belonging to the estate, deposit the same in some bank in his name as assignee, or otherwise keep it distinct and apart from all other money in his possession; and shall, as far as practicable, keep all goods and effects belonging to the estate separate and apart from all other goods in his possession, or designated by appropriate marks, so that they may be easily and clearly distinguished, and may not be exposed or liable to be taken as his property or for the payment of his debts.

75.

When it appears that the distribution of the estate may be delayed by litigation or other cause, the court may direct the temporary investment of the money belonging to such estate in securities, to be approved by the judge or a register of said court, or may authorize the same to be deposited in any convenient bank upon such interest, not exceeding the legal rate, as the bank may contract with the assignee to pay thereon.

76.

He shall give written notice to all known creditors, by mail or otherwise, of all dividends, and such notice of meetings, after the first, as may be ordered by the court.

77.

He shall be allowed, and may retain out of money in his hands, all the necessary disbursements made by him in the discharge of his duty, and a reasonable compensation for his services, in the discretion of the court. 175.

78.

He may, under the direction of the court, submit any controversy arising in the settlement of demands against the estate, or of debts due to it, to the determination of arbitrators, to be chosen by him and the other party to the controversy, and may, under such direc-



tion, compound and settle any such controversy, by agreement with the other party, as he thinks proper and most for the interest of the creditors.

79.

SECTION EIGHTEEN.

*And be it further enacted,* That the court, after due notice and hearing, may remove an assignee for any cause which, in the judgment of the court, renders such removal necessary or expedient.

80.

At a meeting called by order of the court in its discretion for the purpose, or which shall be called upon the application of a majority of the creditors in number and value, the creditors may, with consent of [the] court, remove any assignee by such a vote as is hereinbefore provided for the choice of assignees.

81.

An assignee may, with the consent of the judge, resign his trust, and be discharged therefrom.

82.

Vacancies caused by death or otherwise in the office of assignee may be filled by appointment of the court, or at its discretion, by an election by the creditors, in the manner hereinbefore provided, at a regular meeting, or at a meeting called for the purpose, with such notice thereof in writing to all known creditors, and by such person as the court may direct.

83.

The resignation or removal of an assignee shall in no way release him from performing all things requisite on his part for the proper closing up of his trust and the transmission thereof to his successors, nor shall it affect the liability of the principal or surety on the bond given by the assignee.

84.

When, by death or otherwise, the number of assignees is reduced the estate of the debtor not lawfully disposed of shall vest in the remaining assignee or assignees, and the persons selected to fill vacancies, if any, with the same powers and duties relative thereto as if they were originally chosen.

85.

Any former assignee, his executors or administrators, upon request, and at the expense of the estate, shall make and execute to the new assignee all deeds, conveyances, and assurances, and do all other lawful acts requisite to enable him to recover and receive all the estate.

86.

And the court may make all orders which it may deem expedient to secure the proper fulfilment of the duties of any former assignee, and the rights and interests of all persons interested in the estate.

87.

No person who has received any preference contrary to the provisions of this act shall vote for or be eligible as assignee.

88.

But no title to property, real or personal, sold, transferred, or conveyed by an assignee, shall be affected or impaired by reason of his ineligibility.

89.

An assignee refusing or unreasonably neglecting to execute an instrument when lawfully required by the court, or disobeying a lawful order or decree of the court in the premises, may be punished as for a contempt of court.

90.

## SECTION NINETEEN.

*And be it further enacted,* That all debts due and payable from the bankrupt at the time of the adjudication of bankruptcy, and all debts then existing but not payable until a future day—a rebate of interest being made when no interest is payable by the terms of contract—may be proved against the estate of the bankrupt.

91.

{ All demands against the bankrupt for or on account of any goods or chattels wrongfully taken, converted, or withheld by him, may be proved and allowed as debts to the amount of the value of the property so taken or withheld, with interest. 140.

92.

If the bankrupt shall be bound as drawer, indorser, surety, bail, or guarantor upon any bill, bond, note, or any other specialty or contract, or for any debt of another person, and his liability shall not have become absolute until after the adjudication of bankruptcy, the creditor may prove the same after such liability shall have become fixed, and before the final dividend shall have been declared.

93.

In all cases of contingent debts and contingent liabilities contracted by the bankrupt, and not herein otherwise provided for, the creditor may make claim therefor, and have his claim allowed, with the right to share in the dividends, if the contingency shall happen before the order for the final dividend; or he may at any time apply to the court to have the present value of the debt or liability ascertained and liquidated, which shall then be done in such manner as

the court shall order, and he shall be allowed to prove for the amount so ascertained.

## 94

Any person liable as bail, surety, guarantor, or otherwise for the bankrupt, who shall have paid the debt or any part thereof, in discharge of the whole, shall be entitled to prove such debt or to stand in the place of the creditor if he shall have proved the same, although such payments shall have been made after the proceedings in bankruptcy were commenced.

## 95

And any person so liable for the bankrupt, and who has not paid the whole of said debt, but is still liable for the same or any part thereof, may, if the creditor shall fail or omit to prove such debt, prove the same either in the name of the creditor or otherwise, as may be provided by the rules, and subject to such regulations and limitation as may be established by such rules.

## 96

Where the bankrupt is liable to pay rent or other debt falling due at fixed and stated periods, the creditor may prove for a proportionate part thereof up to the time of the bankruptcy, as if the same grew due from day to day, and not at such fixed and stated periods.

## 97

If any bankrupt shall be liable for unliquidated damages arising out of any contract or promise, or on account of any goods or chattels wrongfully taken, converted, or withheld, the court may cause such damages to be assessed in such mode as it may deem best, and the sum so assessed may be proved against the estate.

No debts other than those above specified shall be proved or allowed against the estate.

## 98

## SECTION TWENTY.

*And be it further enacted,* That, in all cases of mutual debts or mutual credits between the parties, the account between them shall be stated, and one debt set off against the other, and the balance only shall be allowed or paid, but no set-off shall be allowed of a claim in its nature not provable against the estate: *Provided,* That no set-off shall be allowed in favor of any debtor to the bankrupt of a claim purchased by or transferred to him after the filing of the petition.

## 99

When a creditor has a mortgage or pledge of real or personal property of the bankrupt, or a lien thereon for securing the payment of a debt owing to him from the bankrupt, he shall be admitted as a creditor only for the balance of the debt after deducting the value of such property, to be ascertained by agreement between him and the

assignee, or by a sale thereof, to be made in such manner as the court shall direct.

## 100

Or the creditor may release or convey his claim to the assignee upon such property, and be admitted to prove his whole debt.

## 101

If the value of the property exceeds the sum for which it is so held as security, the assignee may release to the creditor the bankrupt's right of redemption therein on receiving such excess; or he may sell the property, subject to the claim of the creditor thereon; and in either case the assignee and creditor, respectively, shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not so sold or released and delivered up, the creditor shall not be allowed to prove any part of his debt.

## 102

## SECTION TWENTY-ONE.

*And be it further enacted,* That no creditor proving his debt or claim shall be allowed to maintain any suit at law or in equity therefor against the bankrupt, but shall be deemed to have waived all right of action and suit against the bankrupt; and all proceedings already commenced, or unsatisfied judgments already obtained thereon, shall be deemed to be discharged and surrendered thereby.

And no creditor whose debt is provable under this act shall be allowed to prosecute to final judgment any suit at law or in equity therefor against the bankrupt until the question of the debtor's discharge shall have been determined.

And any such suit or proceedings shall, upon the application of the bankrupt, be stayed to await the determination of the court in bankruptcy on the question of the discharge: *Provided,* There be no unreasonable delay on the part of the bankrupt in endeavoring to obtain his discharge: *And provided, also,* That if the amount due the creditor is in dispute, the suit by leave of the court in bankruptcy, may proceed to judgment for the purpose of ascertaining the amount due, which amount may be proved in bankruptcy, but execution shall be stayed as aforesaid.

## 103

If any bankrupt shall, at the time of adjudication, be liable upon any bill of exchange, promissory note, or other obligation in respect of distinct contracts as a member of two or more firms carrying on separate and distinct trades, and having distinct estates to be wound up in bankruptcy, or as a sole trader, and also [as] a member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof and receipt of dividend in respect of such distinct contracts against the estates respectively liable upon such contracts.

## SECTION TWENTY-TWO.

*And be it further enacted,* That all PROOFS OF DEBTS against the estate of the bankrupt, by or in behalf of creditors residing within the judicial district where the proceedings in bankruptcy are pending, shall be made before one of the registers of the court in said district, and by or in behalf of non-resident debtors before any register in bankruptcy in the judicial district where such creditors or either of them reside, or before any commissioner of the circuit court authorized to administer oaths in any district.

## 105.

To entitle a claimant against the estate of a bankrupt to have his demand allowed, it must be verified by a deposition, in writing, on oath or solemn affirmation before the proper register or commissioner, setting forth—

The demand;

The consideration thereof;

Whether any and what securities are held therefor;

And whether any and what payments have been made thereon;

That the sum claimed is justly due from the bankrupt to the claimant;

That the claimant has not, nor has any other person, for his use, received any security or satisfaction whatever other than that by him set forth;

That the claim was not procured for the purpose of influencing the proceedings under this act;

And that no bargain or agreement, express or implied, has been made or entered into, by or on behalf of such creditor, to sell, transfer, or dispose of the said claim, or any part thereof, against such bankrupt, or take or receive, directly or indirectly, any money, property, or consideration whatever, whereby the vote of such creditor for assignee, or any action on the part of such creditor or any other person in the proceedings under this act, is or shall be in any way affected, influenced, or controlled;

And no claim shall be allowed unless all the statements set forth in such deposition shall appear to be true.

## 106.

Such oath or solemn affirmation shall be made by the claimant, testifying of his own knowledge, unless he is absent from the United States or prevented by some other good cause from testifying, in which cases the demand may be verified in like manner by the attorney or authorized agent of the claimant testifying to the best of his knowledge, information, and belief, and setting forth his means of knowledge; or if in a foreign country, the oath of the creditor may be taken before any minister, consul, or vice consul of the United States; and the court may, if it shall see fit, require or receive further pertinent evidence either for or against the admission of the claim.

107.

Corporations may verify their claims by the oath or solemn affirmation of their president, cashier, or treasurer.

108.

If the proof is satisfactory to the register or commissioner, it shall be signed by the deponent, and delivered or sent by mail to the assignee, who shall examine the same and compare it with the books and accounts of the bankrupt, and shall register, in a book to be kept by him for that purpose, the names of creditors who have proved their claims, in the order in which such proof is received, stating the time of receipt of such proof, and the amount and nature of the debts, which books shall be open to the inspection of all the creditors.

109.

The court may, on the application of the assignee, or of any creditor, or of the bankrupt, or without any application, examine upon oath the bankrupt, or any person tendering or who has made proof of claims, and may summon any person capable of giving evidence concerning such proof, or concerning the debt sought to be proved, and shall reject all claims not duly proved, or where the proof shows the claim to be founded in fraud, illegality, or mistake.

110.

## SECTION TWENTY-THREE.

*And be it further enacted,* That when a claim is presented for proof before the election of the assignee, and the judge entertains doubts of its validity or of the right of the creditor to prove it, and is of opinion that such validity or right ought to be investigated by the assignee, he may postpone the proof of the claim until the assignee is chosen.

111.

Any person who, after the approval of this act, shall have accepted any preference, having reasonable cause to believe that the same was made or given by the debtor contrary to any provision of this act, shall not prove the debt or claim on account of which the preference was made or given, nor shall he receive any dividend therefrom until he shall first have surrendered to the assignee all property, money, benefit, or advantage received by him under such preference.

112.

The court shall allow all debts duly proved, and shall cause a list thereof to be made and certified by one of the registers;

And any creditor may act at all meetings by his duly constituted attorney the same as though personally present.

## 113.

## SECTION TWENTY-FOUR.

*And be it further enacted,* That a supposed creditor, who takes an appeal to the circuit court from the decision of the district court rejecting his claim in whole or in part, shall, upon entering his appeal in the circuit court, file in the clerk's office thereof a statement in writing of his claim, setting forth the same substantially, as in a declaration for the same cause of action at law, and the assignee shall plead or answer thereto in like manner, and like proceedings shall thereupon be had in the pleadings, trial, and determination of the cause, as in an action at law commenced and prosecuted, in the usual manner, in the courts of the United States, except that no execution shall be awarded against the assignee for the amount of a debt found due to the creditor. The final judgment of the court shall be conclusive, and the list of debts shall, if necessary, be altered to conform thereto. The party prevailing in the suit shall be entitled to costs against the adverse party, to be taxed and recovered as in suits at law; if recovered against the assignee, they shall be allowed out of the estate.

## 114.

A bill of exchange, promissory note, or other instrument, used in evidence upon the proof of a claim, and left in court or deposited in the clerk's office, may be delivered, by the register or clerk having the custody thereof, to the person who used it, upon his filing a copy thereof, attested by the clerk of the court, who shall indorse upon it the name of the party against whose estate it has been proved, and the date and amount of any dividend declared thereon.

## 115.

## SECTION TWENTY-FIVE.

*And be it further enacted,* That when it appears to the satisfaction of the court that the estate of the debtor, or any part thereof, is of a perishable nature, or liable to deteriorate in value, the court may order the same to be sold, in such manner as may be deemed most expedient, under the direction of the messenger or assignee, as the case may be, who shall hold the funds received in place of the estate disposed of. 67, 130

## 116.

And whenever it appears to the satisfaction of the court that the title to any portion of an estate, real or personal, which has come into possession of the assignee, or which is claimed by him, is in dispute, the court may, upon the petition of the assignee, and after such notice to the claimant, his agent, or attorney, as the court shall deem reasonable, order it to be sold, under the direction of the assignee, who shall hold the funds received in place of the estate disposed of.

And the proceeds of the sale shall be considered the measure of the value of the property in any suit or controversy between the parties in any courts.

But this provision shall not prevent the recovery of the property from the possession of the assignee by any proper action commenced at any time before the court orders the sale.

117.

## SECTION TWENTY-SIX.

*And be it further enacted*, That the court may, on the application of the assignee in bankruptcy, or of any creditor, or without any application, at all times require the bankrupt, upon reasonable notice, to attend and submit to an examination, on oath, upon all matters relating—

To the disposal or condition of his property;

To his trade and dealings with others, and his accounts concerning the same;

To all debts due to or claimed from him;

And to all other matters concerning his property and estate, and the due settlement thereof according to law;

Which examination shall be in writing, and shall be signed by the bankrupt, and be filed with the other proceedings.

And the court may, in like manner, require the attendance of any other person as a witness; and if such person shall fail to attend on being summoned thereto, the court may compel his attendance by warrant directed to the marshal, commanding him to arrest such person, and bring him forthwith before the court, or before a register in bankruptcy for examination as such witness.

118.

If the bankrupt is imprisoned, absent, or disabled from attendance, the court may order him to be produced by the jailer, or any officer in whose custody he may be; or may direct the examination to be had, taken, and certified, at such time and place, and in such manner as the court may deem proper, and with like effect as if such examination had been had in court.

119.

The bankrupt shall, at all times until his discharge, be subject to the order of the court, and shall, at the expense of the estate, execute all proper writings and instruments, and do and perform all acts required by the court touching the assigned property or estate, and to enable the assignee to demand, recover, and receive all the property and estate assigned, wherever situated; and for neglect or refusal to obey any order of the court, such bankrupt may be committed and punished as for a contempt of court. 62.

120.

If the bankrupt is without the district, and unable to return and personally attend at any of the times, or do any of the acts which may be specified or required pursuant to this section, and if it ap-



pears that such absence was not caused by wilful default, and if, as soon as may be after the removal of such impediment, he offers to attend and submit to the order of the court in all respects, he shall be permitted so to do with like effect as if he had not been in default.

He shall also be at liberty, from time to time, upon oath, to amend and correct his schedule of creditors and property so that the same shall conform to the facts. 36.

## 121.

For good cause shown, the wife of any bankrupt may be required to attend before the court, to the end that she may be examined as a witness; and if such wife do not attend at the time and place specified in the order, the bankrupt shall not be entitled to a discharge unless he shall prove to the satisfaction of the court that he was unable to procure the attendance of his wife.

## 122.

No bankrupt shall be liable to arrest during the pendency of the proceedings in bankruptcy in any civil action, unless the same is founded on some debt or claim from which his discharge in bankruptcy would not release him.

## 123.

## SECTION TWENTY-SEVEN.

*And be it further enacted,* That all creditors whose debts are duly proved and allowed shall be entitled to share in the bankrupt's property and estate pro rata, without any priority or preference whatever, except that wages due from him to any operative, or clerk, or house servant, to an amount not exceeding fifty dollars, for labor performed within six months next preceding the adjudication of bankruptcy, shall be entitled to priority, and shall be first paid in full. 133.

## 124.

*Provided,* That any debt proved by any person liable as bail, surety, guarantor, or otherwise for the bankrupt, shall not be paid to the person so proving the same until satisfactory evidence shall be produced of the payment of such debt by such person so liable, and the share to which such debt would be entitled may be paid into court, or otherwise held for the benefit of the party entitled thereto, as the court may direct.

## 125.

At the expiration of three months from the date of the adjudication of bankruptcy in any case, or as much earlier as the court may direct, the court, upon request of the assignee, shall call a GENERAL MEETING OF THE CREDITORS, of which due notice shall be given.

And the assignee shall then report and exhibit to the court and

to the creditors just and true accounts of all his receipts and payments, verified by his oath;

And he shall also produce and file vouchers for all payments for which vouchers shall be required by any rule of the court;

He shall also submit the schedule of the bankrupt's creditors and property as amended, duly verified by the bankrupt, and a statement of the whole estate of the bankrupt, as then ascertained, of the property recovered and of the property outstanding, specifying the cause of its being outstanding, also what debts or claims are yet undetermined. and stating what sum remains in his hands.

## 126.

At such meeting the majority in value of the creditors present shall determine whether any and what part of the net proceeds of the estate, after deducting and retaining a sum sufficient to provide for all undetermined claims which, by reason of the distant residence of the creditor, or for other sufficient reason, have not been proved. and for other expenses and contingencies, shall be divided among the creditors; but unless at least one-half in value of the creditors shall attend such meeting, either in person or by attorney, it shall be the duty of the assignee so to determine.

## 127.

In case a dividend is ordered, the register shall, within ten days after such meeting, prepare a list of creditors entitled to dividend, and shall calculate and set opposite to the name of each creditor who has proved his claim the dividend to which he is entitled out of the net proceeds of the estate set apart for dividend, and shall forward by mail to every creditor a statement of the dividend to which he is entitled, and such creditor shall be paid by the assignee in such manner as the court may direct.

## 128.

## SECTION TWENTY-EIGHT.

*And be it further enacted,* That the like proceedings shall be had at the expiration of the next three months, or earlier if practicable, and a third meeting of creditors shall then be called by the court, and a FINAL DIVIDEND then declared, unless any action at law or suit in equity be pending, or unless some other estate or effects of the debtor afterwards come to the hands of the assignee, in which case the assignee shall, as soon as may be, convert such estate or effects into money, and within two months after the same shall be so converted the same shall be divided in manner aforesaid.

## 129.

Further dividends shall be made in like manner as often as occasion requires;

And after the third meeting of creditors no further meeting shall be called, unless ordered by the court.

## 130.

If at any time there shall be in the hands of the assignee any outstanding debts or other property, due or belonging to the estate, which cannot be collected and received by the assignee without unreasonable or inconvenient delay or expense, the assignee may, under the direction of the court, sell and assign such debts or other property in such manner as the court shall order. 67, 115.

## 131.

No dividend already declared shall be disturbed by reason of debts being subsequently proved, but the creditors proving such debts shall be entitled to a dividend equal to those already received by the other creditors before any further payment is made to the latter.

## 132.

PREPARATORY TO THE FINAL DIVIDEND, the assignee shall submit his account to the court, and file the same, and give notice to the creditors of such filing, and shall also give notice that he will apply for a settlement of his account, and for a discharge from all liability as assignee, at a time to be specified in such notice, and at such time the court shall audit and pass the accounts of the assignee, and such assignee shall, if required by the court, be examined as to the truth of such account, and if found correct, he shall thereby be discharged from all liability as assignee to any creditor of the bankrupt.

The court shall thereupon order a DIVIDEND of the estate and effects, or of such part thereof as it sees fit, among such of the creditors as have proved their claims, in proportion to the respective amount of their said debts.

In addition to all expenses necessarily incurred by him in the execution of his trust, in any case, the assignee shall be entitled to an allowance for his services in such case, on all moneys received and paid out by him therein, for any sum not exceeding one thousand dollars, five per centum thereon; for any larger sum, not exceeding five thousand dollars, two and a half per centum on the excess over one thousand dollars; and for any larger sum, one per centum on the excess over five thousand dollars; and if, at any time, there shall not be in his hands a sufficient amount of money to defray the necessary expenses required for the further execution of his trust, he shall not be obliged to proceed therein until the necessary funds are advanced or satisfactorily secured to him.

If, by accident, mistake, or other cause, without fault of the assignee, either or both of the said second and third meetings should not be held within the times limited, the court may, upon motion of an interested party, order such meetings, with like effect as to the validity of the proceedings as if the meeting had been duly held.

## 133.

In the order for a dividend, under this section, the following claims shall be entitled to priority or preference, and to be first paid in full in the following order:

*First.* The fees, costs, and expenses of suits, and the several proceedings in bankruptcy under this act, and for the custody of property, as herein provided.

*Second.* All debts due to the United States, and all taxes and assessments under the laws thereof.

*Third.* All debts due to the State in which the proceedings in bankruptcy are pending, and all taxes and assessments made under the laws of such State.

*Fourth.* Wages due to any operative, clerk, or house servant, to an amount not exceeding fifty dollars, for labor performed within six months next preceding the first publication of the notice of proceedings in bankruptcy. 123.

*Fifth.* All debts due to any persons who, by the laws of the United States, are or may be entitled to a priority or preference, in like manner as if this act had not been passed: *Always provided*, That nothing contained in this act shall interfere with the assessment and collection of taxes by the authority of the United States or any State.

## 134.

## SECTION TWENTY-NINE.

*And be it further enacted*, That at any time after the expiration of six months from the adjudication of bankruptcy, or if no debts have been proven against the bankrupt, or if no assets have come to the hands of the assignee, at any time after the expiration of sixty days, and within one year from the adjudication of bankruptcy, the bankrupt may apply to the court for a DISCHARGE FROM HIS DEBTS; and the court shall thereupon order notice to be given by mail to all creditors who have proved their debts, and by publication at least once a week in such newspapers as the court shall designate, due regard being had to the general circulation of the same in the district, or in that portion of the district in which the bankrupt and his creditors shall reside, to appear on a day appointed for that purpose, and show cause why a discharge should not be granted to the bankrupt.

## 135.

No discharge shall be granted, or, if granted, be valid—

If the bankrupt has wilfully sworn falsely in his affidavit annexed to his petition, schedule, or inventory, or upon any examination in the course of the proceedings in bankruptcy, in relation to any material fact concerning his estate or his debts, or to any other material fact;

Or if he has concealed any part of his estate or effects, or any books or writings relating thereto;

Or if he has been guilty of any fraud or negligence in the care, custody, or delivery to the assignee of the property belonging to him at the time of the presentation of his petition and inventory, excepting such property as he is permitted to retain under the provisions of this act;

Or if he has caused, permitted, or suffered any loss, waste, or destruction thereof;

Or if, within four months before the commencement of such proceedings, he has procured his lands, goods, money, or chattels to be attached, sequestered, or seized, on execution;

Or if, since the passage of this act, he has destroyed, mutilated, altered, or falsified any of his books, documents, papers, writings, or securities;

Or has made or been privy to the making of any false or fraudulent entry in any book of account or other document with intent to defraud his creditors;

Or has removed, or caused to be removed, any part of his property from the district with intent to defraud his creditors;

Or if he has given any fraudulent preference contrary to the provisions of this act;

Or made any fraudulent payment, gift, transfer, conveyance, or assignment of any part of his property;

Or has lost any part thereof in gaming;

Or has admitted a false or fictitious debt against his estate;

Or if, having knowledge that any person has proved such false or fictitious debt, he has not disclosed the same to his assignee within one month after such knowledge;

Or if, being a merchant or tradesman, he has not, subsequently to the passage of this act, kept proper books of account;

Or if he, or any person in his behalf, has procured the assent of any creditor to the discharge, or influenced the action of any creditor at any stage of the proceedings by any pecuniary consideration or obligation;

Or if he has, in contemplation of becoming bankrupt, made any pledge, payment, transfer, assignment, or conveyance of any part of his property, directly or indirectly, absolutely or conditionally, for the purpose of preferring any creditor or person having a claim against him, or who is or may be under liability for him, or for the purpose of preventing the property from coming into the hands of the assignee, or of being distributed under this act in satisfaction of his debts;

Or if he has been convicted of any misdemeanor under this act, or has been guilty of any fraud whatever contrary to the true intent of this act;

And before any discharge is granted the bankrupt shall take and subscribe an oath to the effect that he has not done, suffered, or been privy to any act, matter, or thing specified in this act as a ground for withholding such discharge, or as invalidating such discharge if granted.

136.

## SECTION THIRTY.

*And be it further enacted,* That no person who shall have been discharged under this act, and shall afterwards become bankrupt, on his own application, shall be again entitled to a discharge, whose estate is insufficient to pay SEVENTY PER CENTUM of the debts proved against it, unless the assent in writing of three-fourths in value of his creditors who have proved their claims, is filed at or before the time of application for discharge. 141.

137.

But a bankrupt, who shall prove to the satisfaction of the court that he has paid all the debts owing by him at the time of any previous bankruptcy, or who has been voluntarily released therefrom by his creditors, shall be entitled to a discharge in the same manner and with the same effect as if he had not previously been bankrupt.

138.

## SECTION THIRTY-ONE.

*And be it further enacted,* That any creditor opposing the discharge of any bankrupt may file a specification in writing of the grounds of his opposition, and the court may in its discretion order any question of fact so presented to be tried at a stated session of the district court.

139.

## SECTION THIRTY-TWO.

*And be it further enacted,* That if it shall appear to the court that the bankrupt has in all things conformed to his duty under this act, and that he is entitled, under the provisions thereof, to receive a discharge, the court shall grant him a discharge from all his debts except as hereinafter provided, and shall give him a certificate thereof under the seal of the court, in substance as follows:

District court of the United States, district of \_\_\_\_\_

Whereas \_\_\_\_\_ has been duly adjudged a bankrupt under the act of Congress establishing a uniform system of bankruptcy throughout the United States, and appears to have conformed to all the requirements of law in that behalf, it is therefore ordered by the court that said \_\_\_\_\_ be forever discharged from all debts and claims which by said act are made provable against his estate, and which existed on the \_\_\_\_\_ day of \_\_\_\_\_, on which day the petition for adjudication was filed by (or against) him, excepting such debts, if any, as are by said act excepted from the operation of a discharge in bankruptcy.

Given under my hand and the seal of the court at \_\_\_\_\_, in the said district, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_

[SEAL.]

\_\_\_\_\_, Judge.

## 140

## SECTION THIRTY-THREE.

*And be it further enacted,* That no debt created by the fraud or embezzlement of the bankrupt, or by his defalcation as a public officer, or while acting in any fiduciary character, shall be discharged under this act; but the debt may be proved, and the dividend thereon shall be a payment on account of said debt. 91.

And no discharge granted under this act shall release, discharge, or affect any person liable for the same debt for or with the bankrupt, either as partner, joint contractor, indorser, surety, or otherwise.

## 141

And in all proceedings in bankruptcy commenced after one year from the time this act shall go into operation, no discharge shall be granted to a debtor whose assets do not pay FIFTY PER CENTUM of the claims against his estate, unless the assent in writing of a majority in number and value of his creditors who have proved their claims, is filed in the case at or before the time of application for discharge. 136.

## 142.

## SECTION THIRTY-FOUR.

*And be it further enacted,* That a discharge duly granted under this act shall, with the exceptions aforesaid, release the bankrupt from all debts, claims, liabilities, and demands which were or might have been proved against his estate in bankruptcy, and may be pleaded, by a simple averment that on the day of its date such discharge was granted to him, setting the same forth in hæc verba, as a full and complete bar to all suits brought on any such debts, claims, liabilities, or demands, and the certificate shall be conclusive evidence in favor of such bankrupt of the fact and [the] regularity of such discharge.

## 143.

*Always provided,* That any creditor or creditors of said bankrupt, whose debt was proved or provable against the estate in bankruptcy, who shall see fit to contest the validity of said discharge on the ground that it was fraudulently obtained, may, at any time within two years after the date thereof, apply to the court which granted it to set aside and annul the same.

Said application shall be in writing, shall specify which, in particular, of the several acts mentioned in section twenty-nine it is intended to give evidence of against the bankrupt, setting forth the grounds of avoidance, and no evidence shall be admitted as to any other of the said acts; but said application shall be subject to amendment at the discretion of the court.

## 144.

The court shall cause reasonable notice of said application to be given to said bankrupt, and order him to appear and answer the same within such time as to the court shall seem fit and proper.

If, upon the hearing of said parties, the court shall find that the fraudulent acts, or any of them, set forth as aforesaid by said creditor or creditors against the bankrupt, are proved, and that said creditor or creditors had no knowledge of the same until after the granting of said discharge, judgment shall be given in favor of said creditor or creditors, and the discharge of said bankrupt shall be set aside and annulled. But if said court shall find that said fraudulent acts, and all of them, set forth as aforesaid, are not proved, or that they were known to said creditor or creditors before the granting of said discharge, then judgment shall be rendered in favor of the bankrupt, and the validity of his discharge shall not be affected by said proceedings.

## 145.

## SECTION THIRTY-FIVE.

*And be it further enacted*, That if any person, being insolvent, or in contemplation of insolvency, within four months before the filing of the petition by or against him, with a view to give a preference to any creditor or person having a claim against him, or who is under any liability for him, procures any part of his property to be attached, sequestered, or seized on execution, or makes any payment, pledge, assignment, transfer, or conveyance of any part of his property, either directly or indirectly, absolutely or conditionally—the person receiving such payment, pledge, assignment, transfer, or conveyance, or to be benefited thereby, or by such attachment, having reasonable cause to believe such person is insolvent, and that such attachment, payment, pledge, assignment, or conveyance is made in fraud of the provisions of this act—the same shall be void, and the assignee may recover the property, or the value of it, from the person so receiving it, or so to be benefited.

## 146.

And if any person being insolvent, or in contemplation of insolvency or bankruptcy, within six months before the filing of the petition by or against him, makes any payment, sale, assignment, transfer, conveyance, or other disposition of any part of his property to any person who then has reasonable cause to believe him to be insolvent, or to be acting in contemplation of insolvency, and that such payment, sale, assignment, transfer, or other conveyance is made with a view to prevent his property from coming to his assignee in bankruptcy, or to prevent the same from being distributed under this act, or to defeat the object of, or in any way impair, hinder, impede, or delay the operation and effect of, or to evade any of the provisions of this act, the sale, assignment, transfer, or conveyance shall



be void, and the assignee may recover the property or the value thereof as assets of the bankrupt. And if such sale, assignment, transfer, or conveyance is not made in the usual and ordinary course of business of the debtor, the fact shall be prima facie evidence of fraud.

147.

Any contract, covenant, or security made or given by a bankrupt or other person with, or in trust for, any creditor, for securing the payment of any money as a consideration for or with intent to induce the creditor to forbear opposing the application for discharge of the bankrupt, shall be void.

148.

And if any creditor shall obtain any sum of money or other goods, chattels, or security from any person as an inducement for forbearing to oppose, or consenting to such application for discharge, every creditor so offending shall forfeit all right to any share or dividend in the estate of the bankrupt, and shall also forfeit double the value or amount of such money, goods, chattels, or security so obtained, to be recovered by the assignee for the benefit of the estate.

149.

SECTION THIRTY-SIX.

*And be it further enacted,* That where two or more persons who are partners in trade shall be adjudged bankrupt, either on the petition of such partners, or any one of them, or on the petition of any creditor of the partners, a WARRANT shall issue in the manner provided by this act, upon which all the joint stock and property of the copartnership, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as are hereinbefore excepted;

And all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts;

And the assignee shall be chosen by the creditors of the company, and shall also keep separate accounts of the joint stock or property of the copartnership and of the separate estate of each member thereof;

And after deducting out of the whole amount received by such assignee the whole of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors;

And if there shall be any balance of the separate estate of any partner, after the payment of his separate debts, such balance shall be added to the joint stock for the payment of the joint creditors;

And if there shall be any balance of the joint stock after payment of the joint debts, such balance shall be divided and appropriated to and among the separate estates of the several partners, according to their respective right and interest therein, and as it would have been if the partnership had been dissolved without any bankruptcy;

And the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts;

And the certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been against him alone under this act;

And in all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone.

If such copartners reside in different districts, that court in which the petition is first filed shall retain exclusive jurisdiction over the case.

## 150.

## SECTION THIRTY-SEVEN.

*And be it further enacted,* That the provisions of this act shall apply to all moneyed, business or commercial corporations and joint stock companies; and that upon the petition of any officer of any such corporation or company, duly authorized by a vote of a majority of the corporators at any legal meeting called for the purpose, or upon the petition of any creditor or creditors of such corporation or company, made and presented in the manner hereinafter provided in respect to debtors, the like proceedings shall be had and taken as are hereinafter provided in the case of debtors;

And all the provisions of this act which apply to the debtor, or set forth his duties in regard to furnishing schedules and inventories, executing papers, submitting to examinations, disclosing, making over, secreting, concealing, conveying, assigning, or paying away his money or property, shall in like manner, and with like force, effect, and penalties, apply to each and every officer of such corporation or company in relation to the same matters concerning the corporation or company, and the money and property thereof.

All payments, conveyances, and assignments declared fraudulent and void by this act when made by a debtor, shall in like manner, and to the like extent, and with like remedies, be fraudulent and void when made by a corporation or company. No allowance or discharge shall be granted to any corporation or joint stock company, or to any person or officer or member thereof:

*Provided,* That whenever any corporation by proceedings under this act shall be declared bankrupt, all its property and assets shall be distributed to the creditors of such corporations in the manner provided in this act in respect to natural persons.

## 151.

## SECTION THIRTY-EIGHT.

*And be it further enacted,* That the filing of a petition for adjudication in bankruptcy, either by a debtor in his own behalf, or by any creditor against a debtor, upon which an order may be issued by the court, or by a register in the manner provided in section four, shall be deemed and taken to be the commencement of proceedings in bankruptcy under this act.

## 152.

The proceedings in all cases of bankruptcy shall be deemed matters of record; but the same shall not be required to be recorded at large, but shall be carefully filed, kept, and numbered in the office of the clerk of the court, and a docket only, or short memorandum thereof, kept in books to be provided for that purpose, which shall be open to public inspection.

## 153.

Copies of such records, duly certified under the seal of the court, shall in all cases be prima facie evidence of the facts therein stated. 57, 65, 73.

## 154.

Evidence of examination in any of the proceedings under this act may be taken before the court, or a register in bankruptcy, viva voce or in writing, before a commissioner of the circuit court, or by affidavit, or on commission, and the court may direct a reference to a register in bankruptcy, or other suitable person, to take and certify such examination, and may compel the attendance of witnesses, the production of books and papers, and the giving of testimony, in the same manner as in suits in equity in the circuit court.

## 155.

## SECTION THIRTY-NINE.

*And be it further enacted,* That any person residing and owing debts as aforesaid, who, after the passage of this act,—

Shall depart from the State, district, or Territory of which he is an inhabitant, with intent to defraud his creditors;

Or, being absent, shall, with such intent, remain absent;

Or shall conceal himself to avoid the service of legal process in any action for the recovery of a debt or demand provable under this act;

Or shall conceal or remove any of his property to avoid its being attached, taken, or sequestered on legal process;

Or shall make any assignment, gift, sale, conveyance or transfer of his estate, property, rights, or credits, either within the United States or elsewhere, with intent to delay, defraud, or hinder his creditors;

Or who has been arrested and held in custody under or by virtue of mesne process of execution, issued out of any court of any State, district, or Territory within which such debtor resides or has property, founded upon a demand in its nature provable against a bankrupt's estate under this act, and for a sum exceeding one hundred dollars, and such process is remaining in force and, not discharged by payment, or in any other manner provided by the law of such State, district, or Territory applicable thereto, for a period of seven days;

Or has been actually imprisoned for more than seven days in a civil

action, founded on contract, for the sum of one hundred dollars or upwards;

Or who, being bankrupt or insolvent, or in contemplation of bankruptcy or insolvency, shall make any payment, gift, grant, sale, conveyance, or transfer of money, or other property, estate, rights, or credits, or give any warrant to confess judgment, or procure or suffer his property to be taken on legal process, with intent to give a preference to one or more of his creditors, or to any person or persons who are or may be liable for him as indorsers, bail, sureties, or otherwise, or with the intent, by such disposition of his property, to defeat or delay the operation of this act;

Or who, being a banker, merchant, or trader, has fraudulently stopped or suspended and not resumed payment of his commercial paper, within a period of fourteen days;

Shall be deemed to have committed an act of bankruptcy, and, subject to the conditions hereinafter prescribed, shall be adjudged a bankrupt, on the petition of one or more of his creditors, the aggregate of whose debts provable under this act amount to at least two hundred and fifty dollars, provided such petition is brought within six months after the act of bankruptcy shall have been committed.

And if such person shall be adjudged a bankrupt, the assignee may recover back the money or other property so paid, conveyed, sold, assigned, or transferred contrary to this act: *Provided*, The person receiving such payment or conveyance had reasonable cause to believe that a fraud on this act was intended, or that the debtor was insolvent;

And such creditor shall not be allowed to prove his debt in bankruptcy.

## 156.

### SECTION FORTY.

*And be it further enacted*, That upon filing of the petition authorized by the next preceding section, if it shall appear that sufficient grounds exist therefor, the court shall direct the entry of an order requiring the debtor to appear and show cause, at a court of bankruptcy to be holden at a time to be specified in the order, not less than five days from the service thereof, why the prayer of the petition should not be granted;

And may also, by its injunction, restrain the debtor, and any other person, in the meantime, from making any transfer or disposition of any part of the debtor's property not excepted by this act from the operation thereof, and from any interference therewith;

And if it shall appear that there is probable cause for believing that the debtor is about to leave the district, or to remove or conceal his goods and chattels or his evidence of property, or make any fraudulent conveyance or disposition thereof, the court may issue a warrant to the marshal of the district, commanding him to arrest the alleged [bankrupt] and him safely keep, unless he shall give bail to the satisfaction of the court for his appearance from time to time, as re-

quired by the court, until the decision of the court upon the petition or the further order of the court, and forthwith to take possession provisionally of all the property and effects of the debtor, and safely keep the same until the further order of the court.

157.

A copy of the petition and of such order to show cause shall be served on such debtor by delivering the same to him personally, or leaving the same at his last or usual place of abode;

Or, if such debtor cannot be found, or his place of residence ascertained, service shall be made by publication, in such manner as the judge may direct.

158.

No further proceedings, unless the debtor appear and consent thereto, shall be had until proof shall have been given, to the satisfaction of the court, of such service or publication;

And if such proof be not given on the return day of such order, the proceedings shall be adjourned and an order made that the notice be forthwith so served or published.

159.

SECTION FORTY-ONE.

*And be it further enacted,* That on such return day or adjourned day, if the notice has been duly served or published, or shall be waived by the appearance and consent of the debtor, the court shall proceed summarily to hear the allegations of the petitioner and debtor, and may adjourn the proceedings from time to time, on good cause shown, and shall, if the debtor on the same day so demand in writing, order a trial by jury at the first term of the court at which a jury shall be in attendance, to ascertain the fact of such alleged bankruptcy;

And if, upon such hearing or trial, the debtor proves to the satisfaction of the court or of the jury, as the case may be, that the facts set forth in the petition are not true, or that the debtor has paid and satisfied all liens upon his property, in case the existence of such liens were the sole ground of the proceeding, the proceedings shall be dismissed and the respondent shall recover costs.

160.

SECTION FORTY-TWO.

*And be it further enacted,* That if the facts set forth in the petition are found to be true, or if default be made by the debtor to appear pursuant to the order, upon due proof of service thereof being made, the court shall adjudge the debtor to be a bankrupt, and, as such, subject to the provisions of this act, and shall forthwith issue a warrant to take possession of the estate of the debtor.

## 161

The warrant shall be directed, and the property of the debtor shall be taken thereon, and shall be assigned and distributed in the same manner and with similar proceedings to those hereinbefore provided for the taking possession, assignment, and distribution of the property of the debtor upon his own petition.

## 162.

The order of adjudication of bankruptcy shall require the bankrupt forthwith, or within such number of days, not exceeding five after the date of the order or notice thereof, as shall by the order be prescribed, to make and deliver, or transmit by mail, post-paid, to the messenger, a schedule of the creditors and an inventory of his estate in the form, and verified in the manner required of a petitioning debtor by section thirteen, [eleven.]

## 163.

If the debtor has failed to appear in person, or by attorney, a certified copy of the adjudication shall be forthwith served on him by delivery or publication in the manner hereinbefore provided for the service of the order to show cause.

And if the bankrupt is absent or cannot be found, such schedule and inventory shall be prepared by the messenger and the assignee from the best information they can obtain.

## 164.

If the petitioning creditor shall not appear and proceed on the return day, or adjourned day, the court may, upon the petition of any other creditor, to the required amount, proceed to adjudicate on such petition, without requiring a new service or publication of notice to the debtor.

## 165.

## SECTION FORTY-THREE.

*And be it further enacted, That if at the first meeting of creditors, or at any meeting of creditors to be specially called for that purpose, and of which previous notice shall have been given for such length of time and in such manner as the court may direct, three-fourths in value of the creditors whose claims have been proved shall determine and resolve that it is for the interest of the general body of the creditors that the estate of the bankrupt should be wound up and settled, and distribution made among the creditors by TRUSTEES, under the inspection and direction of a committee of the creditors, it shall be lawful for the creditors to certify and report such resolution to the court, and to nominate one or more trustees to take and hold and distribute the estate, under the direction of such committee.*

166.

If it shall appear to the court, after hearing the bankrupt and such creditors as may desire to be heard, that the resolution was duly passed and that the interests of the creditors will be promoted thereby, it shall confirm the same.

And upon the execution and filing, by or on behalf of three-fourths in value of all the creditors whose claims have been proved, of a consent that the estate of the bankrupt be wound up and settled by said trustees according to the terms of such resolution, the bankrupt, or his assignee in bankruptcy, if appointed, as the case may be, shall, under the direction of the court, and under oath, convey, transfer, and deliver all the property and estate of the bankrupt to the said trustee or trustees, who shall, upon such conveyance and transfer, have and hold the same in the same manner, and with the same powers and rights, in all respects, as the bankrupt would have had or held the same if no proceedings in bankruptcy had been taken, or as the assignee in bankruptcy would have done had such resolution not been passed.

And such consent and the proceedings thereunder shall be as binding in all respects on any creditor, whose debt is provable, who has not signed the same, as if he had signed it, and on any creditor whose debt, if provable, is not proved, as if he had proved it.

And the court, by order, shall direct all acts and things needful to be done to carry into effect such resolution of the creditors, and the said trustees shall proceed to wind up and settle the estate under the direction and inspection of such committee of the creditors, for the equal benefit of all such creditors.

And the winding up and settlement of any estate under the provisions of this section shall be deemed to be proceedings in bankruptcy under this act; and the said trustees shall have all the rights and powers of assignees in bankruptcy.

167.

The court on the application of such trustees, shall have power to summon and examine, or [on] oath or otherwise, the bankrupt and any creditor, and any person indebted to the estate, or known or suspected of having any of the estate in his possession, or any other person whose examination may be material or necessary to aid the trustees in the execution of their trust, and to compel the attendance of such persons and the production of books and papers, in the same manner as in other proceedings in bankruptcy under this act.

And the bankrupt shall have the like right to apply for and obtain a discharge after the passage of such resolution and the appointment of such trustees as if such resolution had not been passed, and as if all the proceedings had continued in the manner provided in the preceding sections of this act.

## 168.

If the resolution shall not be duly reported, or the consent of the creditors shall not be duly filed, or if upon its filing, the court shall not think fit to approve thereof, the bankruptcy shall proceed as though no resolution had been passed, and the court may make all necessary orders for resuming the proceedings.

And the period of time which shall have elapsed between the date of the resolution and the date of the order for resuming proceedings shall not be reckoned in calculating periods of time prescribed by this act.

## 169.

## SECTION FORTY-FOUR.

*And be it further enacted,* That from and after the passage of this act if any debtor or bankrupt shall, after the commencement of proceedings in bankruptcy,—

Secrete or conceal any property belonging to his estate;

Or part with, conceal, or destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any book, deed, document, or writing relating thereto, or remove, or cause to be removed, the same, or any part thereof, out of the district, or otherwise dispose of any part thereof, with intent to prevent it from coming into the possession of the assignee in bankruptcy, or to hinder, impede, or delay either of them in recovering or receiving the same;

Or make any payment, gift, sale, assignment, transfer, or conveyance of any property belonging to his estate with the like intent;

Or spend any part thereof in gaming;

Or shall, with intent to defraud, wilfully and fraudulently conceal from his assignee or omit from his schedule any property or effects whatsoever;

Or if, in case of any person having, to his knowledge or belief, proved a false or fictitious debt against his estate, he shall fail to disclose the same to his assignees within *one month* after coming to the knowledge or belief thereof;

Or shall attempt to account for any of his property by fictitious losses or expenses;

Or shall, within *three months* before the commencement of proceedings in bankruptcy, under the false color and pretence of carrying on business and dealing in the ordinary course of trade, obtain on credit from any person any goods or chattels with intent to defraud;

Or shall, with intent to defraud his creditors, within *three months* next before the commencement of proceedings in bankruptcy, pawn, pledge, or dispose of, otherwise than by bona fide transactions in the ordinary way of his trade, any of his goods or chattels which have been obtained on credit and remain unpaid for;



He shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of the United States, shall be punished by imprisonment, with or without hard labor, for a term not exceeding three years.

170.

SECTION FORTY-FIVE.

*And be it further enacted,* That if any judge, register, clerk, marshal, messenger, assignee, or any other officer of the several courts of bankruptcy shall, for anything done or pretended to be done under this act, or under color of doing anything thereunder, wilfully demand or take, or appoint or allow any person whatever to take for him or on his account, or for or on account of any other person, or in trust for him or for any other person, any fee, emolument, gratuity, sum of money, or anything of value whatever, other than is allowed by this act, or which shall be allowed under the authority thereof, such person, when convicted thereof, shall forfeit and pay the sum of not less than three hundred dollars, and not exceeding five hundred dollars, and be imprisoned not exceeding three years.

171.

SECTION FORTY-SIX.

*And be it further enacted,* That if any person shall forge the signature of a judge, register, or other officer of the court, or knowingly concur in using any such forged or counterfeit signature or seal for the purpose of authenticating any proceeding or document;

Or shall tender in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, any such person shall be guilty of felony, and upon conviction thereof shall be liable to a fine of not less than five hundred dollars, and not more than five thousand dollars, and to be imprisoned not exceeding five years, at the discretion of the court.

172.

FEEES.

[1. *Of register.*—The fees of said REGISTERS, as established by this act and by the general rules and orders required to be framed under it, shall be paid to them by the parties for whom the services may be rendered in the course of proceedings authorized by this act.

21.

173.

*And the travelling and incidental expenses of such register, [for services under sec. 5, No. 22,] and of any clerk or other officer at-*

tending him, incurred in so acting, shall be set[tled] by said court in accordance with the rules prescribed under the tenth section of this act, and paid out of the assets of the estate in respect of which such register has so acted;

Or if there be no such assets, or if the assets shall be insufficient, then such expenses shall form a part of the costs in the case or cases in which the register shall have acted in such journey, to be apportioned by the judge. *Part of § 5, No. 22.]*

174.

## SECTION FORTY-SEVEN.

*And be it further enacted,* That in each case there shall be allowed and paid, in addition to the fees of the clerk of the court as now established by law, or as may be established by general order, under the provisions of this act, for fees in bankruptcy, the following fees, which shall be applied to the payment for the services of the registers:

For issuing every warrant, two dollars.

For each day in which a meeting is held, three dollars.

For each order for a dividend, three dollars.

For every order substituting an arrangement by trust deed for bankruptcy, two dollars.

For every bond with sureties, two dollars.

For every application for any meeting in any matter under this act, one dollar.

For every day's service while actually employed under a special order of the court, a sum not exceeding five dollars, to be allowed by the court.

For taking depositions, the fees now allowed by law.

For every discharge when there is no opposition, two dollars.

Such fees shall have priority of payment over all other claims out of the estate, and before a warrant issues the petitioner shall deposit with the senior register of the court, or with the clerk, to be delivered to the register, fifty dollars as security for the payment thereof; and if there are not sufficient assets for the payment of the fees, the person upon whose petition the warrant is issued shall pay the same, and the court may issue an execution against him to compel payment to the register. 133.

175.

[2. *Of assignee.*—He [the assignee] shall be allowed, and may retain out of any money in his hands, all the necessary disbursements made by him in the discharge of his duty, and a reasonable compensation for his services, in the discretion of the court.—§ 17, *clause 4*, No. 77.

In addition to all expenses necessarily incurred by him in the execution of his trust, in any case, the assignee shall be entitled to an allowance for his services in such case on all moneys received and paid out by him therein, for any sum not exceeding one thousand dol-

lars, five per centum thereon; for any larger sum, not exceeding five thousand dollars, two and a half per centum on the excess over one thousand dollars; and for any larger sum, one per centum; on the excess of five thousand dollars; and if at any time there shall not be in his hands a sufficient amount of money to defray the necessary expenses required for the further execution of his trust, he shall not be obliged to proceed therein until the necessary funds are advanced or satisfactorily secured to him. 77.]

## 176.

3. *Of messenger.*—Before any dividend is ordered the assignee shall pay out of the estate to the messenger the following fees, and no more:

First. For service of warrant, two dollars.

Second. For all necessary travel, at the rate of five cents a mile, each way.

Third. For each written note to creditor named in the schedule, ten cents.

Fourth. For custody of property, publication of notices, and other services, his actual and necessary expenses upon returning the same in specific items, and making oath that they have been actually incurred and paid by him, and are just and reasonable, the same to be taxed or adjusted by the court, and the oath of the messenger shall not be conclusive as to the necessity of said expenses.

For cause shown, and upon hearing thereon, such further allowance may be made as the court in its discretion may determine.

## 177.

4. *Tariff of fees.*—The enumeration of the foregoing fees shall not prevent the judges, who shall frame general rules and orders in accordance with the provisions of section ten, from prescribing a tariff of fees for all other services prescribed in this section in classes of cases to be named in their services of the officers of courts of bankruptcy, or from reducing the fees prescribed in this section in classes of cases to be named in their rules and orders.

## 178.

## SECTION FORTY-EIGHT.

*And be it further enacted,* That the word "assignee" and the word "creditor" shall include the plural also; and the word "messenger" shall include his assistant or assistants, except in the provision for the fees of that officer. The word "marshal" shall include the marshal's deputies; the word "person" shall also include "corporation;" and the word "oath" shall include "affirmation."

179.

## COMPUTATION OF TIME.

And in all cases in which any particular number of days is prescribed by this act, or shall be mentioned in any rule or order of court or general order which shall at any time be made under this act, for the doing of any act, or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first and inclusive of the last day, unless the last day shall fall on a Sunday, Christmas day, or on any day appointed by the President of the United States as a day of public fast or thanksgiving, or on the Fourth of July, in which case the time shall be reckoned exclusive of that day also.

## SECTION FORTY-NINE.

See Nos. 6, 7, 8.

180.

## SECTION FIFTY.

*And be it further enacted*, That this act shall commence and take effect, as to the appointment of the officers created hereby and the promulgation of rules and general orders, from and after the date of its approval: *Provided*, That no petition or other proceeding under this act shall be filed, received, or commenced before the first day of June, anno Domini eighteen hundred and sixty-seven.

Approved March 2, 1867.

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**GENERAL ORDERS,**  
**TOGETHER WITH THE**  
**FORMS OF PROCEEDING IN BANKRUPTCY,**  
**AS PROMULGATED BY**  
**THE SUPREME COURT OF THE UNITED STATES.**

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## ORDER OF COURT

*In relation to Rules, &c., in Bankruptcy.*

*Ordered*, That certain Rules and Forms of Proceeding in Bankruptcy having been framed and adopted by the Court in pursuance of the Act of Congress, approved March 2, 1867, the same are now promulgated as such.

And it is further *Ordered*, That the said Rules and Forms be recorded by the Clerk, and that they be allowed to be printed.

Test :

D. W. MIDDLETON,  
*Clerk, Supreme Court United States.*

MAY 16, 1867.

## GENERAL ORDERS IN BANKRUPTCY.

In pursuance of the Tenth Section of the Act entitled "An act to establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867, the Justices of the Supreme Court of the United States have framed the following General Orders, which shall constitute the Rules of Practice and Procedure in Bankruptcy in the District Courts of the United States :—

### I.

#### *Duties of Clerks of District Courts.*

The Clerks of the several District Courts shall enter upon each Petition in Bankruptcy the day, and the hour of the day, upon which the same shall be filed; and shall also make a similar note upon every subsequent paper filed with them; and the papers in each case shall be kept in a file by themselves. No paper shall be taken from the files for any purpose except by order of the Court. Every paper shall have endorsed upon it a brief statement of its character. The Clerks shall keep a Docket, in which the cases shall be entered and numbered in the order in which they are commenced; and the number of each case shall be endorsed on every paper. The docket shall be so arranged that a brief memorandum of every proceeding in each case shall be entered therein, in a manner convenient for reference, and shall at all times be open for public inspection. The Clerks shall also keep separate minute books for the record of proceedings in bankruptcy; in which shall be entered a minute of all the proceedings in each case, either of the Court or of a Register of the Court, under their respective dates.

### II.

#### *Process.*

All process, summons, and subpoenas shall issue out of the Court under the seal thereof, and be tested by the Clerk; and blanks with the signature of the Clerk and seal of the Court may, upon application, be furnished to the Registers.

### III.

#### *Appearance.*

Proceedings in bankruptcy may be conducted by the bankrupt in person in his own behalf, or by a petitioning or opposing creditor; but a creditor will only be allowed to manage before the Court his individual interest. Either party may appear and conduct the proceedings by attorney, who shall be

an attorney or counsellor authorized to practice in the Circuit or District Court. The name of the attorney or counsellor, with his place of residence and business, shall be entered upon the docket, with the date of the entry. All papers or proceedings offered by an attorney to be filed shall be endorsed as above required; and orders granted on motion shall contain the name of the party or attorney making the motion. Notices and orders which are not, by the Act, or by these Rules required to be served on the party personally, may be served upon his attorney.

#### IV.

##### *Commencement of Proceedings.*

Upon the filing of a petition in case of Voluntary Bankruptcy, or as soon as any adjudication of bankruptcy is made upon a petition filed in case of Involuntary Bankruptcy, the petition shall be referred to one of the Registers in such manner as the District Court shall direct; and the petitioner shall furnish the Register with a copy of the papers in the case, and thereafter all the proceedings required by the Act shall be had before him, except such as are required by the Act to be had in the District Court, or by special order of the District Judge, unless some other Register is directed to act in the case.

The order designating the Register to act upon any Petition shall name a day upon which the Bankrupt shall attend before the Register, from which date he shall be subject to the orders of the Court in all matters relating to his bankruptcy, and may receive from the Register a protection against arrest, to continue until the final adjudication on his application for a discharge, unless suspended or vacated by order of the Court.

A copy of the order shall forthwith be sent by mail to the Register, or be delivered to him personally by the Clerk or other officer of the Court.

#### V.

##### *Registers.*

The time when, and the place where, the Registers shall act upon the matters arising under the several cases referred to them, shall be fixed by special order of the District Court, or, by the Register acting under the authority of a general order, in each case, made by the District Court; and at such times and places the Registers may perform the acts which they are empowered to do by the Act, and conduct proceedings in relation to the following matters, when uncontested, viz: making adjudication of bankruptcy on petition of the Debtor; directing, unless otherwise ordered by the Court, the newspapers in which the Notices shall be published by the Messenger; administering oaths; receiving the surrender of a Bankrupt; granting protection thereon; giving requisite direction for notices, advertisements, and other ministerial proceedings; taking proofs of claims; ordering payment of rates and taxes, and salary, or wages of persons in the employment of the assignee; ordering amendments, or inspection, or copies, or extracts of any proceedings; taking accounts of proceeds of securities held



by any Creditor; taking evidence concerning expenses and charges against the bankrupt's estate; auditing and passing accounts of assignees; proceedings for the declaration and payment of dividends, and taxing costs in any of the proceedings, all of which shall be subject to the control of the Court.

## VI.

*Despatch of Business.*

Every Register, in performing the duties required of him, under the Act, and by these orders, or by orders of the District Court, shall use all reasonable despatch, and shall not adjourn the business but for good cause shown. Six hours' session shall constitute a day's sitting if the business requires; and when there is time to complete the proceedings in progress within the day, the party obtaining any adjournment or postponement thereof may be charged, if the court think proper, with all the costs incurred in consequence of the delay.

## VII.

*Examination and Filing of Papers.*

It shall be the duty of the Register to examine the bankrupt's petition and schedules filed therewith, and to certify whether the same are correct in form; or, if deficient, in what respect they are so; and the court may allow amendments to be made in the petition and schedules upon the application of the petitioner, upon proper cause shown, at any time prior to the discharge of the bankrupt. At the close of the last examination of the bankrupt, the Register having charge of the case, shall file all the papers relating thereto in the office of the clerk of the District Court, and these papers, together with those on file in the Clerk's office, and the Entries in the minute-book, shall constitute the record in each case; and the Clerk shall cause the papers in each case to be bound together.

## VIII.

*Orders by the Register.*

Whenever an order is made by a Register in any proceeding in which notice is required to be given to either party before the order can be made, the fact that the notice was given, and the substance of the evidence of the manner in which it was given, shall be recited in the preamble to the order, and the fact also stated that no adverse interest was represented at the time and place appointed for the hearing of the matter upon such notice; and whenever an order is made where adverse interests are represented before the Register, the fact shall be stated that the opposing parties consented thereto, or, that the adverse interest represented made no opposition to the granting of such order.

## IX.

*Notification to Assignee of his Appointment.*

It shall be the duty of the Register, immediately upon the appointment of an Assignee, as prescribed in Sections 12 and 13 of the Act, (should he not be

present at such meeting,) to notify him by personal or mail service of his appointment; and in such notification the assignee so appointed shall be required to give notice forthwith to the Court or Register of his acceptance or rejection of the trust.

## X.

### *Testimony—How Taken.*

The examination of witnesses before a Register in Bankruptcy may be conducted by the party in person, or by his counsel or attorney, and the witnesses shall be subject to examination and cross-examination, which shall be had in conformity with the mode now adopted in courts of law. The depositions upon such examination shall be taken down in writing by the Register in the form of narrative, unless he determines that the examination shall be by question and answer in special instances, and when completed shall be read over to the witness and signed by him in the presence of the Register. Any question or questions which may be objected to shall be noted by the Register upon the deposition, but he shall not have power to decide on the competency, materiality, or relevancy of the question; and the Court shall have power to deal with the costs of incompetent, immaterial, or irrelevant depositions, or parts of them, as may be just. In case of refusal of a witness to attend, or to testify before a Register, the same proceedings may be had as are now authorized with respect to witnesses to be produced on examination before an examiner of any of the Courts of the United States on written interrogatories.

## XI.

### *Minutes Before Register—Filing, etc.*

A memorandum made of each act performed by a Register shall be in suitable form, to be entered upon the minute-book of the Court, and shall be forwarded to the clerk of the Court not later than by mail the next day after the act has been performed. Whenever an issue is raised before the Register in any proceedings, either of fact or law, he shall cause the same to be stated in writing in the manner required by the Fourth and Sixth Sections of the Act, and certify the same forthwith to the District Judge for his decision. The pendency of the issue undecided before a Judge shall not necessarily suspend or delay other proceedings before the Register or Court in the case.

## XII.

### *Accounts for Services of Register and Marshal.*

Every Register shall keep an accurate account of his travelling and incidental expenses, and those of any clerk or other officer attending him in the performance of his duties in any case or number of cases which may be referred to him; and shall make return of the same under oath, with proper vouchers (when vouchers can be procured) on the first Tuesday in each month; and the Marshal shall make his return, under oath, of his actual and necessary expenses in the service of every warrant addressed to him, and for custody of property

publication of notices, and other services, and other actual and necessary expenses paid by him, with vouchers therefor whenever practicable, and also with a statement that the amounts charged by him are just and reasonable.

## XIII.

*Marshal as Messenger*

It shall be the duty of the Marshal as Messenger to take possession of the property of the Bankrupt, and to prepare, within three days from the time of taking such possession, a complete inventory of all the property, and to return it as soon as completed. The time for making the inventory and return may be enlarged, under proper circumstances, by special order of the District Court. He shall also, in case the bankrupt is absent, or cannot be found, prepare a schedule of the names and residences of his creditors, and the amount due to each, from the books or other papers of the bankrupt that may be seized by him under his warrant, and from any other sources of information; but all statements upon which his return shall be made, shall be in writing, and sworn to by the parties making them, before one of the Registers in Bankruptcy of the Court, or a Commissioner of the Courts of the United States. In cases of voluntary bankruptcy, the Marshal may appoint special deputies to act, as he may designate, in one or more cases, as Messengers, for the purpose of causing the notices to be published and served as required in the Eleventh Section of the Act, and for no other purpose. In giving the notices required by the third subdivision of the Eleventh Section of the Act, it shall be sufficient to give the names, residences, and the amount of the debts (in figures) due the several creditors, so far as known, and no more.

## XIV.

*Petitions and Amendments.*

All petitions, and the Schedules filed therewith, shall be printed, or written out plainly, and without abbreviation, or interlineation, except where such abbreviation and interlineation may be for the purpose of reference, and whenever any amendments are allowed, they shall be written and signed by the petitioner on a separate paper, in the same manner as the original schedules were signed and verified; and if the amendments are made to different schedules, the amendments to each schedule shall be made separately, with proper reference to the schedule proposed to be amended, and each amendment shall be verified by the oath of the petitioner in the same manner as the original schedules.

## XV.

*Priority of Actions—(Involuntary Bankruptcy.)*

Whenever two or more petitions shall be filed by creditors against a common debtor alleging separate acts of bankruptcy committed by said debtor on different days within six months prior to the filing of said petitions, and the debtor shall appear and show cause against an adjudication of bankruptcy against him on the petitions, that petition shall be first heard and tried which alleges the

commission of the earliest act of bankruptcy; and in case the several acts of bankruptcy are alleged in the different petitions to have been committed on the same day, the Court before which the same are pending may order them to be consolidated, and proceed to a hearing as upon one petition; and if an adjudication of bankruptcy be made upon either petition, or for the commission of a single act of bankruptcy, it shall not be necessary to proceed to a hearing upon the remaining petitions unless proceedings be taken by the debtor for the purpose of causing such adjudication to be annulled or vacated.

#### XVI.

##### *Filing Petitions in Different Districts.*

In case two or more petitions shall be filed against the same individual in different districts, the first hearing shall be had in the district in which the debtor has his domicile; and such petition may be amended by inserting an allegation of an act of bankruptcy committed at an earlier date than that first alleged, if such earlier act is charged in either of the other petitions; and in case of two or more petitions against the same firm in different courts, each having jurisdiction over the case, the petition first filed shall be first heard, and may be amended by the insertion of an allegation of an earlier act of bankruptcy than that first alleged, if such earlier act is charged in either of the other petitions; and in either case, the proceedings upon the other petitions may be stayed until an adjudication is made upon the petition first heard; and the Court which makes the first adjudication of bankruptcy shall retain jurisdiction over all proceedings therein until the same shall be closed. In case two or more petitions for adjudication of bankruptcy shall be filed in different districts by different members of the same copartnership for an adjudication of the bankruptcy of said copartnership, the Court, in which the petition is first filed, having jurisdiction, shall take and retain jurisdiction over all proceedings in such bankruptcy until the same shall be closed; and if such petitions shall be filed in the same District, action shall be first had upon the one first filed.

#### XVII.

##### *Concerning Redemptions of Property and Compounding Claims.*

Whenever it may be deemed for the benefit of the estate of a bankrupt to redeem and discharge any mortgage, or other pledge, or deposit, or lien upon any property, real or personal, or to relieve said property from any conditional contract, and to tender performance of the conditions thereof; or to compound any debts, or other claims, or securities due or belonging to the estate of the bankrupt, the assignee, or the bankrupt, or any creditor who has proved his debt, may file his petition therefor in the office of the Clerk of the District Court; and thereupon, the Court shall appoint a suitable time and place for the hearing thereof, notice of which shall be given in some newspaper, to be designated by the Court, at least ten days before the hearing, so that all creditors and other persons interested may appear and show cause, if any they have, why an order should not be passed by the Court upon the petition, authorizing such act on the part of the assignee.

## XVIII.

*Proceedings in Case of Copartnerships.*

In case one or more members of a copartnership refuse to join in a petition to have the firm declared bankrupt, the parties refusing shall be entitled to resist the prayer of the petition in the same manner as if the petition had been filed by a creditor of the partnership, and notice of the filing of the petition shall be given to him in the same manner as provided by law and by these rules in the case of a debtor petitioned against; and he shall have the right to appear at the time fixed by the Court for the hearing of the petition, and to make proof, if he can, that the copartnership is not insolvent, or has not committed an act of bankruptcy, and to take all other defences which any debtor proceeded against is entitled to take by the provisions of the Act; and in case an adjudication of bankruptcy is made upon the petition, such copartner shall be required to furnish to the Marshal, as Messenger, a schedule of his debts and an inventory of his property in the same manner as is required by the Act in cases of debtors against whom adjudication of bankruptcy shall be made.

## XIX.

*Duties of Assignees.*

The assignee, shall, immediately on entering upon his duties, prepare a complete inventory of all the property of the bankrupt that comes into his possession; and all sales of the same shall be by public auction, unless otherwise ordered by the Court. Every assignee shall keep full, exact, and regular books of account of all receipts, payments, and expenditures of money by him, and shall make report to the Court, within twenty days after receiving the deed of assignment, of the articles set off to the bankrupt by him, according to the provisions of the Fourteenth Section of the Act, with the estimated value of each article, and any creditor may take exceptions to the determination of the assignee within twenty days after the filing of the report.

## XX.

*Composition with Creditors—(Arbitration)*

Whenever an assignee shall make application to the Court for authority to submit a controversy arising in the settlement of demands against the bankrupt's estate, or of debts due to it, to the determination of arbitrators, or for authority to compound and settle such controversy by agreement with the other party, the subject-matter of the controversy and the reasons why the assignee thinks it proper and most for the interest of the creditors that it should be settled by arbitration or otherwise, shall be set forth clearly and distinctly in the application; and the Court, upon examination of the same, may immediately proceed to take testimony and make an order thereon, or may direct the assignee to give notice of the application, either by publication or by mail, or both, to the creditors who have proved their claims to appear and show cause, on a day to be named in the order and notice, why the application should not be granted, and may make such order thereon as may be just and proper.

## XXI.

*Disposal of Property by Assignee.*

In making sales of personal property the assignee shall give at least ten days' notice of the time and place of the sale, and of the articles to be sold, by advertisement in one or more newspapers, to be designated by the Court or by a Register, and by posted handbills, or otherwise, as he may think best for the interest of the estate, or as the Court may order; and he shall give like notice of the sale of any real estate at least twenty days before such sale. Upon his application to the court, and for good cause shown, the assignee may be authorized to sell any specified portion of the bankrupt's estate at private sale. The Court, by order in special cases, may dispense with newspaper and handbill advertisements. In making sale of the franchise of a corporation, it may be offered in fractional parts, or in certain numbers of shares, corresponding to the number of shares in the bankrupt corporation. And in making sale of the real estate of a bankrupt, the assignee shall, unless otherwise ordered by the Court, offer the same in lots or parcels, if it exists in separate parcels, in such manner as may be for the interest of the creditors of the estate.

## XXII.

*Perishable Property.*

In all cases where goods or other articles come into possession of the messenger, or assignee, which are perishable, or liable to deterioration in value, the Court may upon application, in its discretion, order the same to be sold, and the proceeds deposited in Court.

## XXIII.

*Service of Notice.*

The notice provided by the 18th section of the Act, shall be served by the Marshal or his deputy, and notices to the creditors of the time and place of meeting provided by the section, shall be given through the mail by letter, signed by the Clerk of the Court.

Every envelope containing a notice sent by the Clerk or Messenger shall have printed on it a direction to the Postmaster at the place to which it is sent, to return the same within ten days unless called for.

## XXIV.

*Opposition to Discharge.*

A creditor opposing the application of a bankrupt for discharge, shall enter his appearance in opposition thereto on the day when the creditors are required to show cause, and shall file his specification of the grounds of his opposition, in writing, within ten days thereafter, unless the time shall be enlarged by order of the District Court in the case, and the court shall thereupon make an order as to the entry of said case for trial on the docket of the District Court, and the time within which the same shall be heard and decided.

## XXV.

*Second and Third Meeting of Creditors.*

Whenever any Bankrupt shall apply for his discharge, within three months from the date of his being adjudged a Bankrupt, under the provisions of the 29th section of the Act, the Court may direct that the second and third meetings of Creditors of said Bankrupt required by the 27th and 28th sections of said Act shall be had on the day which may be fixed in the order of notice for the Creditors to appear and show cause why a discharge should not be granted such Bankrupt; and the notices of such meeting shall be sufficient if it be added to the notice to show cause, that the second and third meetings of said Creditors shall be had before the Register upon the same day that cause may be shown against the discharge, or upon some previous days, or day.

## XXVI.

*Appeals.*

Appeals in equity from the District to the Circuit Court, and from the Circuit to the Supreme Court of the United States, shall be regulated by the rules governing appeals in equity in the Courts of the United States. Any supposed creditor who takes an appeal to the Circuit Court from the decision of the District Court rejecting his claim, in whole or in part, according to the provisions of the 8th Section of the Act, shall give notice of his intention to enter the appeal within ten days from the entry of the final decision of the District Court upon his claim; and he shall file his appeal in the Clerk's Office of the Circuit Court within ten days thereafter, setting forth a statement in writing of his claim in the manner prescribed by said section; and the assignee shall plead or answer thereto in like manner within ten days after the statement shall be filed. Every issue thereon shall be made up in the Court, and the cause placed upon the docket thereof, and shall be heard and decided in the same manner as other actions at law.

## XXVII.

*Imprisoned Debtor.*

If at the time of preferring his petition the debtor shall be imprisoned, the Court, upon his application, may order him to be produced upon *habeas corpus* by the jailor or any officer in whose custody he may be, before the Register, for the purpose of testifying in any matter relating to his bankruptcy, and if committed after the filing of his petition upon process in any civil action founded upon a claim provable in bankruptcy, the Court may, upon like application, discharge him from such imprisonment. If the petitioner, during the pendency of the proceedings in bankruptcy, be arrested or imprisoned upon process in any civil action, the District Court, upon his application may issue a writ of *habeas corpus* to bring him before the Court to ascertain whether such process has been issued for the collection of any claim provable in bankruptcy, and if so

provable, he shall be discharged; if not, he shall be remanded to the custody in which he may lawfully be. Before granting the order for discharge, the Court shall cause notice to be served upon the creditor, or his attorney, so as to give him an opportunity of appearing and being heard before the granting of the order.

## XXVIII.

*Deposit and Payment of Moneys.*

The District Court in each District shall designate certain National Banks, if there are any within the judicial district, or if there be none, then some other safe depository, in which all moneys received by assignees or paid into Court in the course of any proceedings in bankruptcy, shall be deposited; and every Assignee, and the Clerk of said Court shall deposit all sums received by them severally, on account of any bankrupt's estate, in one designated depository, and every Clerk and Assignee shall make a report to the Court of the funds received by him, and of deposits made by him, on the first Monday of every month. No moneys so deposited shall be drawn from such depository unless upon a check, or warrant, signed by the Clerk of the Court, or by an Assignee, and countersigned by the Judge of the Court, or one of the Registers designated for that purpose, stating the date, the sum, and the account for which it is drawn; and an entry of the substance of such check or warrant, with the date thereof, the sum drawn for, and the account for which it is drawn, shall be forthwith made in a book kept for that purpose by the assignee or the clerk; and all checks and drafts shall be entered in the order of time in which they are drawn, and shall be numbered in the case of each estate. A copy of this rule shall be furnished to the depository so designated, and also the name of any Register authorized to countersign said checks.

## XXIX.

*Prepayment or Security of Fees.*

The fees of the Register, Marshal, and Clerk, shall be paid or secured in all cases before they shall be compelled to perform the duties required of them by the parties requiring such service; and in the case of witnesses, their fees shall be tendered or paid at the time of the service of the summons or subpoena, and shall include their travelling expenses to and from the place at which they may be summoned to attend. The Court may order the whole, or such portion of the fees and costs in each case to be paid out of the fund in Court in such case, as shall seem just.

## XXX.

*As to Fees and Costs.*

*To the Clerk of the Court:—*For each notice required to be sent by mail when signed by the Clerk, ten cents; the postage to be prepaid by the party required to give such notice.



*To the Clerk and Register :—*For every copy of any paper in proceedings in Bankruptcy, twenty-five cents for certifying the same, and in addition thereto ten cents for each folio of 100 words.

*To the Register :—*For every order made where notice is required to be given and for certifying copy of the same to the Clerk, one dollar.

For every certificate of question to be certified to the District Judge, under the 4th and 6th Sections of the Act, one dollar.

For every proof of debt, twenty-five cents; and where testimony is taken, the fees prescribed by law may be added.

In cases where the debtor has no means, and makes proof to the satisfaction of the Court, that he is unable to pay the costs prescribed by the Act, and these Orders, the Judge in his discretion may direct that the fees and costs therein shall not exceed the sum required by the Act to be deposited with the Clerk.

### XXXI.

#### *Costs in Contested Adjudications.*

In cases of Involuntary Bankruptcy, where the Debtor resists an adjudication, and the Court after hearing, shall adjudge the debtor a bankrupt, the petitioning creditor shall recover, to be paid out of the fund, the same costs that are allowed by law to a party recovering in a suit in Equity; and in case the petition shall be dismissed, the debtor may recover like costs from the petitioner.

### XXXII.

#### *As to Forms and Schedules.*

The several Forms specified in the Schedules annexed to these Orders for the several purposes therein stated, shall be observed and used with such alterations as may be necessary to suit the circumstances of any particular case. In all cases where, by the provisions of the Act, a special order is required to be made in any proceeding, or in any case instituted under the Act in a District Court of the United States, such order shall be framed by the Court to suit the circumstances of the particular case; and the forms, hereby prescribed, shall be followed, as nearly as may be, and so far as the same are applicable to the circumstances requiring such special order. In proceedings in Equity instituted for the purpose of carrying into effect the provisions of the Act, or for enforcing the rights and remedies given by it, the Rules of Equity Practice established by the Supreme Court of the United States, shall be followed as nearly as may be. In proceedings at Law instituted for the same purpose, the Rules of the Circuit Court regulating the practice and procedure in cases at Law, shall be followed as nearly as may be.

### XXXIII.

#### *Omissions and Amendments.*

Whenever a debtor shall omit to state in the schedules annexed to his petition, any of the facts required to be stated concerning his debts or his property, he shall state, either in its appropriate place in the schedules, or in a separate

affidavit to be filed with the petition, the reason for the omission, with such particularity as will enable the Court to determine whether to admit the schedules as sufficient, or to require the debtor to make further efforts to complete the same according to the requirements of the law ; and in making any application for amendment to the schedules the debtor shall state under oath the substance of the matters proposed to be included in the amendment, and the reasons why the same had not been incorporated in his schedules as originally filed, or as previously amended. In like manner, he may correct any statement made during the course of his examination.

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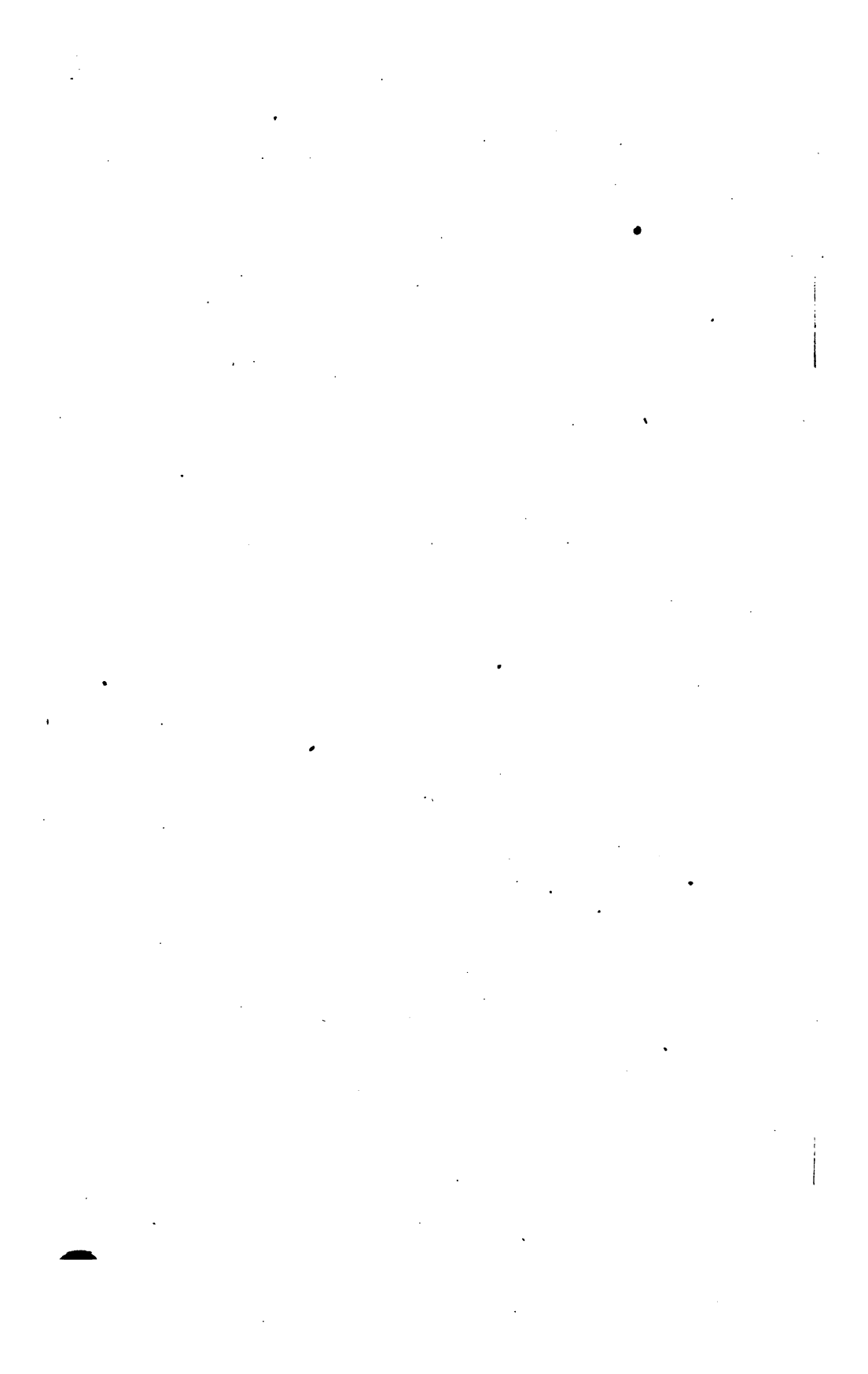
**FORMS**

**OF**

**PROCEEDING UNDER THE UNITED STATES BANKRUPT ACT OF  
MARCH 2, 1867**

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# FORMS.

Form No. 1.

## PETITION BY DEBTOR

To the Honorable \_\_\_\_\_, Judge of the District Court of the United  
States, for the \_\_\_\_\_ District of \_\_\_\_\_

THE PETITION of \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the  
County of \_\_\_\_\_, and State of \_\_\_\_\_, and District aforesaid.

Respectfully Represents:—That he has  
for \_\_\_\_\_ months next immediately preceding the filing of this petition.  
at \_\_\_\_\_, within said Judicial District; that he owes debts exceeding  
the amount of three hundred dollars, and is unable to pay all of the same in full;  
that he is willing to surrender all his estate and effects for the benefit of his  
Creditors, and desires to obtain the benefit of the Act entitled "An Act to Estab-  
lish a Uniform System of Bankruptcy throughout the United States," approved  
March 2, 1867:

That the Schedule hereto annexed, Marked **A**, and verified by Your Peti-  
tioner's oath, contains a full and true statement of all his debts, and (so far as  
it is possible to ascertain) the names and places of residence of his creditors,  
and such further statements concerning said debts as are required by the provi-  
sions of said Act:

That the Schedule hereto annexed, Marked **B**, and verified by Your Peti-  
tioner's oath, contains an accurate inventory of all his estate, both real and  
personal, assignable under the provisions of said Act:

WHEREFORE, YOUR PETITIONER PRAYS, that he may be adjudged by the  
Court to be a Bankrupt, within the purview of said Act; and that he may be  
Decreed to have a Certificate of Discharge from all his Debts provable under  
the same.

\_\_\_\_\_, Solicitor, [or, Attorney,] &c.

### Oath to foregoing Petition.

[N. B.—If Petitioner is not a citizen, the last clause of this oath should be omitted.]

### UNITED STATES OF AMERICA.

District of \_\_\_\_\_, ss:—

I, \_\_\_\_\_, the Petitioning Debtor mentioned and described in the foregoing  
Petition, do hereby make solemn oath [or, affirmation] that the statements con-  
tained therein are true according to the best of my knowledge, information and  
belief; and I do further make oath [or, affirmation] that I am a citizen of the  
United States of America, and that I will bear true faith and allegiance to the  
same.

\_\_\_\_\_, Petitioner.

Subscribed and sworn [or, affirmed] to, before me, this \_\_\_\_\_ day of \_\_\_\_\_,  
A D. 18 \_\_\_\_\_

U. S. District Judge, [Register in Bankruptcy,  
or, U. S. Commissioner.]

[Petition by Debtor.]

## SCHEDULE A.

(1.)

*Statement of all Creditors who are to be Paid in Full, or to whom Priority is Secured, according to the provisions of the 28th Section of said Act.*

Order of Payment ; Preferred Claims.	Reference to ledger or voucher.	Names of Creditors.	Residences and Occupations.	Amount.	Where and When Contracted.	Nature and Consideration of the Debt, and whether contracted as copartner or joint contractor ; and, if so, with whom.
1. Debts due the United States, and taxes and assessments under the laws thereof.				\$ c.		
2. Debts due to the State of , and taxes and assessments under the laws of said State.						
3. Wages due clerk, servant, &c., to an amount not exceeding \$50, for Labor performed, within Six Months.						
4. Other debts Preferred by said Act.						

\_\_\_\_\_, Petitioner.

[Petition by Debtor.]

**SCHEDULE A.**

**Creditors holding Securities.**

[N. B.—Particulars of Securities held, with dates of same, and when given, to be stated under the names of the several creditors, and also Particulars concerning each Debt, as required by the 11th Section of the Act, and whether contracted as copartner or joint-contractor with any other person; and, if so, with whom.]

Reference to Ledger or Voucher.	Names of Creditors.	Residences and Description.	When and where Contracted.	Value of Securities.	Amount of Debt.
Ledger [A.] page [150]	[John Brown]	Residing at Lien, by Judgment of Court, in the State of [Pennsylvania,] upon my Real Estate, situate in Township of [County of ], in said State, (describing it.)		\$	\$
Ledger [B.] page [75]	[Samuel Johnson]	Residing at Pledge of 150 shares, Stock of [Cumberland Coal Company] a Company incorporated under the laws of the State of [Maryland,] and doing business at [Certification of said Stock transferred to said [Johnson.]]			
Ledger [C.] page [93]	[William Peters]	Residing at Mortgages upon my Real Estate in [County of ], made to secure his Liability as Endorser on certain Promissory Notes made by me, and described as follows: Or for Liability as Surety. Or for any other Liability for which Mortgages may be given.			
Ledger [D.] page [145]	[John Jones]	Residing at Note of A B, dated [at four months for \$] Note of C D, dated [at six months for \$] Note of E F, dated [at nine months for \$] Delivered to said Jones, as Collateral Security for his Debt, on the [day] of [188].			
Ledger [E.] page [300]	[George Smith]	Residing at Six bales of Cotton weighing [pounds, valued at : five bales of Wool weighing [pounds, valued at : six barrels Whiskey, valued at : Delivered to said [Smith,] in pledge for his Debt, on the [day] of [188].			

[N. B.—The above examples will serve as a proper guide.]

*Petitioner.*





[Petition by Debtor.]

**SCHEDULE A.**

(4.)

*Liabilities on Notes or Bills Discounted which ought to be Paid by the Drawers, Makers, or Acceptors.*

[N. B.—The Dates of the Notes or Bills, and when Due, with the Names, Residences, and the Business, or Occupation of the Drawers, Makers, or Acceptors thereof, are to be set forth under the Names of the Holders. If the Names of the Holders are not known, the name of the last holder known to the petitioner should be stated, and the Business and place of Residence. The same particulars as to Notes or Bills on which the petitioner is liable as Endorser.]

Reference to Ledger or Voucher.	Names of Holders as far as known.	Place of Residence and Occupation.	Place where Con- tracted.	Amount.	Nature of Liability, whether same was contracted as copartner or joint-con- tractor, or with any other Person; and, if so, with whom.
				\$ c.	

, Petitioner.

(5.)

**SCHEDULE A.**

*Accommodation Paper.*

[N. B.—The Dates of the Notes or Bills, and when Due, with the Names, Residences, and Business or Occupation of the Drawers, Makers, and Acceptors thereof, are to be set forth under the Names of the Holders; if the Bankrupt be liable as Drawer, Maker, Acceptor, or Endorser thereof, it is to be stated accordingly. If the names of the Holder are not known, the names of the last Holder known to the Petitioner should be stated, with his Business and Place of Residence. Same particulars as to other commercial paper.]

Reference to Ledger or Voucher.	Names of Holders.	Residences of Holders and Particulars of Notes or Bills.	Place where Con- tracted.	Amount.	Whether liability was contracted as co- partner or joint-contractor; or with any other Person; and, if so, with whom.
				\$	c.

[N. B.—Here will follow oath to Schedule A, hereinafter prescribed.]

\_\_\_\_\_, *Petitioner.*

[Petition by Debtor.]

**SCHEDULE B.**

(1.)

*Statement of all Real and Personal Estate and Effects Whatever, which are now in the Possession, Enjoyment, or under the Control of the Petitioner, or which are held by any other person, In Trust, for his use, or to the Possession or Enjoyment of which he is Entitled at the date of filing Petition.*

[INTEREST IN LANDS.]

Particular Description of all Real Estate owned by Petitioner, or held by him, and whether under Contract or Lease,	Encumbrances thereon, if any, and Dates thereof.	Statement of all Particulars relating thereto.	Estimated Value.

\_\_\_\_\_, Petitioner.

[Petition by Debtor.]

**SCHEDULE B.**

(2.)

*Personal Property.*

	Dollars.	Cts.
a.—Cash on hand.....		
b.—Bills of Exchange, Promissory Notes, or Securities of any description, (each to be set out separately).....		
c.—Stock in Trade, in my business of _____, at _____, of the value of.....		
d.—Household Goods and Furniture, Household Stores, Wearing Apparel, and Ornaments of the Person .....		
e.—Books, Prints, and Pictures .....		
f.—Horses, Cows, Sheep, and other Animals .....		
g.—Carriages, and other Vehicles.....		
h.—Farming Stock, and Implements of Husbandry.....		
i.—Shipping, and Shares in Vessels.....		
k.—Machinery, Fixtures, and Apparatus used in Business: with the place where each is Situated.....		
l.—Goods or Personal Property of any other Description, with the place where Each is Situated.....		

\_\_\_\_\_, *Petitioner.*

[Petition by Debtor.]

~~CHAPTER 11~~ . 11.

(3.)

*Choses in Action.*

	Dolls.	Cts.
a.—Debts due Petitioner on open Account .....		
b.—Stocks in Incorporated Companies, and Interest in Joint Stock Companies .....		
c.—Policies of Insurance .....		
d.—Unliquidated Claims of every nature, with their Estimated Value .....		

..... *Petitioner.*

[Petition of Debtor.]

**SCHEDULE B.**

(A.)

*Property in Reversion, Remainder, or Expectancy, including Property held in Trust for the Petitioner, or subject to any Power or Right to Dispose of, or to Charge.*

[N. B.—A Particular Description of Each Interest must be Entered. If all or any of the debtor's Property has been Conveyed by Deed of Assignment, or otherwise, for the benefit of Creditors, the date of such Deed should be stated, the Name and address of the Person to whom the Property was Conveyed, the Amount realized from the Proceeds thereof, and the Disposal of the Same, as far as known to the Petitioner.]

General Interest.	Particular Description.	Supposed val <sup>e</sup> of my interest.
Interest in Land.....	Real Estate and Leasehold Property, with Locality, Names, and Descriptions of Parties now Enjoying the Same, and the Value thereof; also the Nature of my Interest therein, and from Whom, and in what Manner it is derived.....	Dolls. Cts.
Personal Property.....	Personal Property with Locality, Names, and Descriptions of Persons now Enjoying the Same; also the Nature of my Interest therein, and from Whom, and in what Manner it is derived.....	
Property in Money, Stock, Shares, Bonds, Annuities, etc., etc.	Annuities, Money in Public or other Funds, Shares in Railroad and other Companies, showing in whose names the same are standing, with Names and Descriptions of persons now Enjoying the Same; also the Nature of my Interest therein, and from Whom, and in what Manner it is derived.....	
Rights and Powers.....	Rights and Powers, wherein I or any other Person or Persons in Trust for me or for my benefit have any power to Dispose of, Charge, or Exercise.....	
		Am't realized from proceeds of property conveyed.
Property heretofore conveyed for benefit of Creditors.		Dolls. Cts.
What portion of Debtors Property has been Conveyed by Deed of Assignment, or otherwise, for Benefit of Creditors; Date of such Deed, Name and Address of Party to whom Conveyed; Amount realized therefrom and Disposal of same, so far as known to Petitioner.	Description of property of Debtor heretofore conveyed for benefit of Creditor by deed of assignment, or otherwise; date of such deed or instrument of conveyance, with name and address of party to whom made; amount realized from same, and the disposal of such property, so far as known to Petitioner.....	

\_\_\_\_\_, Petitioner.

[Petition by Debtor.]

**SCHEDULE B.**

(3.)

*A Particular Statement of the property claimed as Excepted from the Operation of said Act, by the provisions of the 14th Section thereof, giving Each Item of Property and its Valuation; and, if any portion of it is Real Estate, its Location, Description, and Present Use.*

[N. B.—The property claimed to be Exempt under the Laws of any State is to be described separately from the rest, and reference given to the Statute of said State creating the Exception.]

	Valuation.	
	Dolls.	Cts.
Property claimed to be Excepted from the operations of said Act, and which may be set apart by the assignee under the 14th Section .....		
Property claimed to be Exempt by State laws; its Valuation; whether Real or Personal Estate; its Description and Present Use; and under what State Law Exemption is claimed .....		

*Petitioner.*

Petition of Debtor.]

**SCHEDULE B.**

(C.)

*The following is a True List of all Books, Papers, Deeds, and Writings relating to my Trade, Business, Dealings, Estate, and Effects, or any Part thereof, which, at the date of this Petition, are in my Possession or under my Custody and Control, or which are in the Possession or Custody of any Person in Trust for me, or for my Use, Benefit or Advantage; and also of All others which have been heretofore, at any time in my Possession, or under my Custody or Control, and which are now held by the Parties whose names are hereinafter set forth, with the reason for their Custody of the same:—*

BOOKS .....

DEEDS .....

PAPERS, ETC.....

\_\_\_\_\_, *Petitioner.*

N. B. Here follows oath to Schedule B, as hereinafter prescribed.]



OATHS TO SCHEDULES A AND B.

[N. B.—The following forms of oaths to Schedules A and B of the Petition by Debtor are prescribed and they are to be annexed to the same, respectively.]

*Oath to Schedule A.*

UNITED STATES OF AMERICA.

District of \_\_\_\_\_, ss :—

On this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_, before me personally came \_\_\_\_\_, the person mentioned in and who subscribed to the foregoing Petition and Schedule. Marked **A**, respectively, and who being by me first duly sworn [*or*, affirmed] did declare the said Schedule to be a statement of all his debts, &c., in accordance with the Act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867.

*District Judge, [or, Register; or, U. S. Commissioner.]*

*Oath to Schedule B.*

UNITED STATES OF AMERICA.

District of \_\_\_\_\_, ss :—

On this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_, before me personally came \_\_\_\_\_, the person mentioned in and who subscribed to the foregoing Petition and Schedule. Marked **B**, respectively, and who being by me first duly sworn [*or*, affirmed] did declare the said Schedule to be a statement of all his estate, both real and personal, in accordance with the Act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867.

*District Judge, [or, Register, or, U. S. Commissioner.]*

*Form No. 2.*

COPARTNERSHIP PETITION.

[In case of a copartnership, the form will be as follows:]

To the Honorable \_\_\_\_\_ Judge of the District Court of the United States for the \_\_\_\_\_ District of \_\_\_\_\_.

THE PETITION of \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, and District afore-said, respectfully represents: That the said \_\_\_\_\_, and \_\_\_\_\_, copartners transacting business at \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, and in said District, have \_\_\_\_\_ for the \_\_\_\_\_ months.

Or,

THAT the said \_\_\_\_\_ and \_\_\_\_\_ members of a copartnership composed of themselves, and one \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, have \_\_\_\_\_ for the \_\_\_\_\_ months :—  
next immediately preceding the filing of this Petition at \_\_\_\_\_ within said Judicial District; that the members of said copartnership owe debts ex-

ceeding the amount of *three hundred dollars*, and are unable to  
 pay all their debts in full; that they are willing to surrender all their estate  
 and effects for the benefit of their creditors, and desire to obtain the benefit of  
 the Act entitled "An Act to Establish a Uniform System of Bankruptcy  
 throughout the United States," approved March 2, 1867.

That the Schedule hereto annexed, Marked **A**, and verified by their oaths,  
 contains a Full and True Statement of all the debts of said Copartnership, and,  
 as far as possible, the Names and Places of Residence of their Creditors, and the  
 further statements concerning such debts required by the provisions of said Act.

That the Schedule hereto annexed, Marked **B**, verified by their oaths, con-  
 tains an accurate Inventory of all the estate of said Copartnership as required  
 by the provisions of said Act.

And said further states, that the Schedule hereto annexed,  
 Marked **C**, verified by his oath, contains a Full and True Statement of all his In-  
 dividual debts; and, as far as possible, the Names and Places of Residence of his  
 Creditors; and the further Statements concerning such debts required by the  
 provisions of said Act; and that the Schedule hereto annexed, Marked **D**, veri-  
 fied by his oath, contains an accurate Inventory of all his Individual Estate as  
 required by the provisions of said Act.

And said further states, that the Schedule hereto annexed,  
 Marked **E**, verified by his oath, contains a Full and True Statement of all his In-  
 dividual debts, and, as far as possible, the Names and Places of Residence of his  
 Creditors, and the further Statements concerning such debts required by the  
 provisions of said Act; and that the Schedule hereto annexed, Marked **F**, veri-  
 fied by his oath, contains an accurate Inventory of all his Individual Estate as  
 required by the provisions of said Act.

[N. B.—Similar clauses to be added for Individual Schedules of each Copartner joining in the Petition.]

WHEREFORE, YOUR PETITIONERS PRAY, that after due proceedings had, they  
 may be adjudged by a Decree of the Court to be Bankrupts within the purview of  
 said Act; and upon their compliance with all the requirements of the said Act,  
 and all the orders and directions of the Court made in pursuance thereof, they  
 may be severally decreed to have a CERTIFICATE OF DISCHARGE FROM ALL  
 THEIR DEBTS provable under said Act, and otherwise entitled to all the  
 benefits thereof.

\_\_\_\_\_  
 \_\_\_\_\_,  
 Petitioners.

[N. B.—The Form of the Oath to the Petition is to be modified by employing the plural for  
 the singular number, and by the addition of clauses to cover the Schedules of Each Copart-  
 ner.]

### Form No. 3.

#### CORPORATION PETITION.

[N. B.—If a Petition in Bankruptcy is filed by a Corporation, an authenticated copy of a  
 Vote or other action of the Stockholders, (or, party or parties entitled to act in behalf of such  
 Corporation,) authorizing such proceedings should be filed with the Petition, and which, in  
 substance, should be as follows:]

*Statement to accompany Petition of Corporation, (In Bankruptcy.)*

AT A MEETING OF THE STOCKHOLDERS, {or, of the Board of Directors, or  
 Trustees, as the Case may be,} of the Company, [or, Association, or,

Bank, or, Society,] a Corporation created by \_\_\_\_\_, of the State of \_\_\_\_\_, held at \_\_\_\_\_ in the county of \_\_\_\_\_, and State of \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_, the Condition of the Affairs of said Corporation having been inquired into, and it being ascertained to the Satisfaction of said meeting that the said Corporation was Insolvent, and that its Affairs ought to be wound up, it was Voted [or, Resolved] by a Majority of the Corporators [or, Stockholders, or, Directors, or, Trustees] present at such Meeting, (which was duly called and notified for the purpose of taking action upon the subject aforesaid;) that \_\_\_\_\_ be, and \_\_\_\_\_ thereby—Authorized. Empowered, and Required to file a Petition in the District Court of the United States for the \_\_\_\_\_ District of \_\_\_\_\_, within which said Corporation has carried on its business, for the purpose of having the same adjudged Bankrupt; and that such proceedings be had thereon as are provided by the Act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867.

IN WITNESS WHEREOF, I have hereunto subscribed my name as President [or, other officer or agent] of said Corporation, and affixed the Seal  
 { of Corporation. } of the same this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_.

\_\_\_\_\_  
*President [or, other officer] of said Corporation.*

[N. B.—In case of a Corporation, the following changes are to be made in the form of Petition already prescribed, viz: The substitution of the Name of the Corporation for that of the Individual Petitioner, and the omission of the Prayer for a Discharge and the following passage substituted: "*And that like proceedings may be had in the premises as in said act are provided in respect to natural persons.*" The language of the Oath to the Corporation Petition may be changed to correspond with the form of the Petition.]

Form No. 4.

ORDER OF REFERENCE TO REGISTER.

In the District Court of the United States,  
 For the \_\_\_\_\_ District of \_\_\_\_\_

In the Matter of \_\_\_\_\_

IN BANKRUPTCY

A Petitioner for Adjudication in Bankruptcy of himself.

District of \_\_\_\_\_, ss: \_\_\_\_\_

WHEREAS \_\_\_\_\_, of the County of \_\_\_\_\_, State of \_\_\_\_\_, and District aforesaid, has, on this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., filed in the office of the Clerk of said Court a Petition for Adjudication in Bankruptcy against himself, according to the provisions of the Act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867,

It is thereupon Ordered, That said Petition be referred to \_\_\_\_\_, one of the Registers in Bankruptcy of this Court, to make Adjudication thereon, and take such other proceedings therein as are required by said Act; and fur-

ther, That the said , shall on or before the day of at o'clock m., file with said Register a duplicate copy of said Petition and the Schedules thereto annexed, and that he attend before said Register on said day, and thenceforth as said Register may direct, to submit to such orders as may be made by said Register, or by this Court relating to his said Bankruptcy.

And further, that until otherwise ordered by the Court, the said Register shall act upon the matters arising in this case at his office, at at such times as he shall fix for that purpose.

Witness the Honorable , Judge of the said Court, and seal thereof, at , in said District, on the day of A. D. 18

Seal of  
the Court.

Clerk of District Court, for said District.

*Form No. 5.*

ADJUDICATION OF BANKRUPTCY UPON DEBTOR'S PETITION.

In the District Court of the United States  
For the District of

In the Matter of

By Whom a Petition for Adjudication of  
Bankruptcy was Filed on the  
day of , A. D. 18 , in said Court.

IN BANKRUPTCY.

At , in said District  
on the day of , A. D. 18  
Before , one of the Registers,  
of said Court in Bankruptcy.

I, THE UNDERSIGNED, a Register of said Court in Bankruptcy, upon good proof before me , taken, do find, that the said , has become a Bankrupt within the true intent and Meaning of the Act of Congress Entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867; and I do hereby declare and adjudge him a Bankrupt accordingly.

*Register in Bankruptcy.*

[N. B.—When a Debtor is declared a Bankrupt upon a Creditor's Petition, the Order should be made by the Court and Entered as an Order of the Court in substantially the form above prescribed.]

Form No. 6.

WARRANT TO MESSENGER.

(Voluntary Bankruptcy.)

In the District Court of the United States.

For the District of

In the Matter of

By Whom a Petition for Adjudication of  
Bankruptcy was Filed on the  
day of , A. D. 18 , in said Court.

IN BANKRUPTCY.

District of , ss:—

To the Marshal of the District of :—

GREETING:—Whereas, a Petition for Adjudication of Bankruptcy and for Relief, under the Act of Congress, entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867, was, on the day of , 18 , filed by , of , in said District, upon which he hath been found and adjudged a Bankrupt, there being no opposing party thereto:—YOU ARE, THEREFORE, HEREBY DIRECTED, AS MESSENGER, to publish times in the—[Here name the newspapers in which the notice is to be published,] (the first publication to be made forthwith,) the following notice, to wit:—

THIS IS TO GIVE NOTICE: That on the day of , A. D. 18 , a Warrant in Bankruptcy was issued against the Estate of , of , in the county of , and State of , who has been adjudged a Bankrupt, on his own Petition; that the Payment of any Debts and Delivery of any Property belonging to such Bankrupt, to him, or for his use, and the Transfer of any Property by him are forbidden by Law; that a Meeting of the Creditors of the said Bankrupt, to Prove their Debts, and to Choose one or more assignees of his Estate, will be held at a Court of Bankruptcy, to be holden [Here designate the Place, and Building, Room, or Office where the Court is to be held] before , Register, on the day of , A. D. 18 , at o'clock M.

AND YOU ARE FURTHER DIRECTED to Serve Written or Printed Notice, forthwith, Either by Mail or Personally, [Those upon whom personal Service is to be made, should be designated by the Court, or Register,] on all Creditors upon the Schedule filed with said Bankrupt's Petition, [or, when names may be given you in addition thereto by the Debtor,] a least ten days before the appointed meeting of said Court, in the following form, to wit:—

To Mr. , of , County of , and State of , Creditor of Bankrupt.

You are hereby notified, that a Warrant in Bankruptcy has been issued out of the District Court of the United States, for the District of , against the estate of , adjudged a Bankrupt, upon his own Petition:—That the payment of any Debts, and the Delivery of any Property belonging to said Bankrupt, to him, or for his use, and the transfer of any Property by him are Forbidden by Law:—That a Meeting of the Creditors of said Bankrupt, to wit: [Here insert names of the several Creditors of Bankrupt, with their places of residence and amount of their debts, respectively, in the following form, e.g.:—

A. B. ; | Boston, Mass. .... | \$500]

to Prove their Debts and Choose one or more Assignees of his Estate, will be held at a Court of Bankruptcy, to be holden on the day of , A. D. 18 , at o'clock, — M., at [Here insert the Place, Building, Room, or Office, where the Court will be held] before , Register.

And have you then there this Warrant, with your doings thereon.

Witness the Honorable , Judge of the said Court, and the seal thereof, at , in said District, on the

{ Seal of } day of , A. D. 18

Clerk of District Court, for said District.

## Form No. 7.

## RETURN OF MESSENGER TO ACCOMPANY WARRANT.

(N. B.—This Return may be Endorsed on the Warrant, or follow the signature of the Clerk.)

District of \_\_\_\_\_ : ss.

At \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.—By virtue of the within Warrant, I have caused the notice therein ordered, to be published, by advertisement, \_\_\_\_\_ times, in the Newspapers within mentioned; the first publication of which was on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_, in [*Here mention Newspaper in which first publication was had.*] And I also on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_, sent by mail or served personally upon the creditors and others named in said Warrant, a copy of the notice required thereby to be sent to, or served on them:—And all of the said notices were according to the directions set out in said Warrant.

## FEEs.

1. For service of warrant.....	\$2	00
2. For necessary travel _____ miles, at 5 cents per mile, each way.....		
3. For each written note to Creditor named in the Schedule, 10 cents.....		
4. For actual and necessary expenses in publication of notices.....		
[N. B.—If there are any other necessary expenses, the same may be inserted in specific terms, numbering the same consecutively.]		

\_\_\_\_\_  
U. S. Marshal, as Messenger,  
District of \_\_\_\_\_

District of \_\_\_\_\_, ss:—  
\_\_\_\_\_, A. D. 18 \_\_\_\_\_. Then personally appeared \_\_\_\_\_, and made oath, that the above Expenses returned by him, in addition to his fees, were actually and necessarily incurred and paid by him, and that the same are just and reasonable

Before me,

\_\_\_\_\_  
District Judge,  
[or, Register in Bankruptcy.]

## Form No. 8.

## REGISTER'S OATH OF OFFICE.

UNITED STATES OF AMERICA,  
District of \_\_\_\_\_, ss:

I, \_\_\_\_\_, having been duly nominated and recommended by the Chief Justice of the Supreme Court of the United States, and appointed by the District Judge of the United States for the \_\_\_\_\_ district of \_\_\_\_\_, as a Register in Bankruptcy under the act entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within

the United States hostile or inimical thereto. And I do further swear, that to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; and also, that I will not, during my continuance in office, be directly or indirectly interested in, or benefited by, the fees or emoluments arising from any suit or matter pending in bankruptcy in either the District or Circuit Court in this District. So help me God.

Subscribed and \_\_\_\_\_ to, before me this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

\_\_\_\_\_  
District Judge.

Form No. 9.

OFFICIAL BOND OF REGISTER.

In the District Court of the United States  
For the \_\_\_\_\_ District of \_\_\_\_\_

IN BANKRUPTCY.

KNOW ALL MEN BY THESE PRESENTS: That we [*Insert names and residences in full of Bondsmen*] are held and firmly bound to the United States of America in the sum of \_\_\_\_\_ dollars, lawful money of the United States, to be paid to the said United States, for the payment of which, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_, Anno Domini one thousand eight hundred and \_\_\_\_\_

Whereas the said \_\_\_\_\_, having been on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_, appointed by the Honorable \_\_\_\_\_, Judge of the District Court of the United States for the \_\_\_\_\_ District of \_\_\_\_\_, a Register in Bankruptcy, in and for said District, this Bond is executed pursuant to the Third Section of the Act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867, and is conditioned for the faithful discharge of the duties pertaining to said office of Register in Bankruptcy.

In witness whereof we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, A. D. one thousand eight hundred and \_\_\_\_\_

\_\_\_\_\_, [L. S.]  
\_\_\_\_\_, [L. S.]

Signed, sealed, and filed in office of the Clerk of said District Court.

Attest:

Clerk \_\_\_\_\_ District of \_\_\_\_\_

[N. B.—The above Bond to be endorsed with the approval of the Judge of the District Court thus: "I HEREBY APPROVE THE WITHIN BOND, AND DECLARE THE SUBSTANCES THEREON TO BE SATISFACTORY;" and the usual certificate of the Clerk of the District Court, as to the exact time and date of filing.]

**Form No. 10.**  
**COMMON ORDER.**

In the District Court of the United States,  
For the District of \_\_\_\_\_

In the Matter of \_\_\_\_\_

Bankrupt .

IN BANKRUPTCY.

At \_\_\_\_\_, in said District.  
on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_  
Before Mr. \_\_\_\_\_, one of the Registers  
of said District Court, in Bankruptcy.

District of \_\_\_\_\_, ss:

Upon the application of \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, and  
State of \_\_\_\_\_, there being no opposing interest, [or, the party, or parties,  
appearing assenting thereto,] It IS ORDERED: [*Here insert the order.*]

Witness the Honorable \_\_\_\_\_, Judge of the said Court, and  
the seal thereof, at \_\_\_\_\_, in said District, on the  
{ Seal of } day of \_\_\_\_\_, A. D. 18 \_\_\_\_  
the Court. }

Clerk of District Court, for said District.

**Form No. 11.**

**CERTIFIED MEMORANDUM OF FIRST MEETING OF CREDITORS.**

In the District Court of the United States,  
For the District of \_\_\_\_\_

In the Matter of \_\_\_\_\_

Bankrupt .

IN BANKRUPTCY.

At \_\_\_\_\_, in said District,  
on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_  
Before Mr. \_\_\_\_\_,  
*Register in Bankruptcy.*

District of \_\_\_\_\_, ss:—

MEMORANDUM.—This being the day appointed by the Court for the First Meeting of Creditors under the said Bankruptcy, whereof the notice required in that behalf has been duly given, I, the undersigned, Register of the said Court in Bankruptcy, sat at the time and place above mentioned, pursuant to such notice, to take the proof of debts and for the choice of assignee under the said Bankruptcy; and I do hereby certify that the greater part in number and in value of the creditors who have proved their debts were present, or duly represented, and made choice of \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, as the Assignee of the said Bankrupt's estate.

[Or,

Failed to make choice of an Assignee of said Bankrupt's estate, and there being no opposing interest, I appointed \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, as Assignee of the same.



Or,

Failed to make choice of an Assignee of said Bankrupt's estate, and there being no opposing interest, I further certify to the Court the failure to make such choice of Assignee, in order that the Court may take action in the premises.

*Register in Bankruptcy.*

[N. B.—When the matter of appointment is referred to the Court, the Register may, if requested, certify the names of the persons proposed at the Creditor's meeting and the votes given for each.]

*Form No. 12.*

ABSTRACTS OF PROCEEDINGS UNDER SECTION FOUR—FORM OF MEMORANDUM TO BE RETURNED TO CLERK BY REGISTER, OF HIS ACTION IN EACH CASE.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

At , in said District,  
on the day of , A. D. 18 .  
Before Mr.

*Register in Bankruptcy.*

District of , ss :

MEMORANDUM.—This day attended the first meeting of Creditors of the Bankrupt aforesaid, at said , where choice was made of assignee as appears by the papers herewith returned. [Here insert particular statement of all that was done before the Register.]

*Register in Bankruptcy.*

[N. B.—A memorandum of what is done in each case respectively must be returned on separate sheets of paper.]

*Form No. 13.*

CREDITORS WHO HAVE PROVED THEIR DEBTS AT FIRST MEETING.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

At , in said District on  
the day of , A. D. 18 .  
Before Mr.

*Register in Bankruptcy.*

District of \_\_\_\_\_, ss :

The following is a list of Creditors who have this day proved their debts :—

Names of Creditors.	Residence.	Debts Proved.	
		Dolls.	Cts.

---

*Register in Bankruptcy.*


---

*Form No. 14.*

## FORM OF SPECIAL LETTER OF ATTORNEY.

In the Matter of	} IN BANKRUPTCY.
Bankrupt .	

To \_\_\_\_\_.

SIR : [*or, Messrs., or, Gentlemen,*] I, [*or, we,*]  
 hereby authorize you, or any one of you, to attend the Meeting of Creditors in  
 this matter, advertised or directed to be holden at \_\_\_\_\_, on the  
 day of \_\_\_\_\_, before \_\_\_\_\_, or on the day advertised in the [*Name the*  
*Newspapers*] or any adjournment thereof, and then and there \_\_\_\_\_ for  
 and in \_\_\_\_\_ name to vote for or against any proposal or resolution that  
 may be lawfully made or passed at such meeting or adjourned meeting; and in  
 the choice of Assignee, or Assignees of the Estate of the said Bankrupt, and  
 for \_\_\_\_\_, or \_\_\_\_\_, to accept such appointment of Assignee.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_.

Witness to the signature of \_\_\_\_\_,

Exhibited to me this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_.

---

*Register in Bankruptcy.*

Form No. 15.

CHOICE OF ASSIGNEES.

(First Meeting of Creditors.)

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

At , in said District  
on the day of , A. D. 18 .  
Before Mr. ,

Register in Bankruptcy.

District of ss :

MEMORANDUM.—This being the day appointed by the Court for the First Meeting of Creditors in the above Bankruptcy, and of which due notice has been given in the [*Here insert the names of the Newspapers in which notice was published,*] and by special notice served personally, or through the mail. We, whose names are hereunder written, being the greater part in number and in value, of the Creditors of the said , Bankrupt aforesaid, present at this Meeting, and who have proved our Debts, have chosen, and do hereby nominate and choose [*Here insert the name, or names of assignees, with their places of residence, respectively*] to be the assignee of the said Bankrupt's Estate and Effects, and we do desire that he [*or, they*] may be appointed such assignee, accordingly :

Names of Creditors above mentioned.	Residences of the Same.	Am't of Debt.	
		Dolls.	Cts.

I [*or, we*] do hereby accept the said Trust, [*or, Appointment.*]

Assignee .

I, , a Register of the said Court in Bankruptcy, do hereby approve of, and confirm the said choice of Assignee .

, Register in Bankruptcy.

\* hereby appoint Mr. , of , to act as Solicitor, and Attorney in the above Bankruptcy.

, Register [*or, Assignee.*]

, District Judge.

\*N. B.—If no attorney be appointed, strike the latter form out, and when the appointment is made file an appointment as above, signed by the Assignee.

The District Judge will endorse hereon, in case of approval of the above, thus : "Approved."

## Form No. 16.

## NOTIFICATION OF APPOINTMENT OF ASSIGNEE.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt.

IN BANKRUPTCY.

District of , ss:—

To , of , in the County of  
and State of :—

I DO HEREBY CERTIFY to you, that you were duly chosen [*or*, appointed] assignee [*or*, one of the assignees] of the Estate and Effects of the above named Bankrupt, at the first meeting of Creditors, on the day of A. D. 18 , and I do hereby approve and confirm said election, [*or*, appointment;] and I do further certify, that the greater part in value and in number of the Creditors of said Bankrupt who had proved their claims were present, or were duly represented at said meeting.

Dated at , the day of , A. D. 18

*Judge of said District, [or, Register in Bankruptcy]*

[N. B.—If the appointment is made by the Judge, the last clause should be omitted.]

*Acceptance of Assignee.*

[N. B.—To be endorsed on notification, or to follow it.]

TO WHOM IT MAY CONCERN: Be it known, that I hereby signify my acceptance of the Trust of Assignee of the Estate of the above [*or*, within] named Bankrupt this day of , A. D. 18

## Form No. 17.

## BOND OF ASSIGNEE

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt.

IN BANKRUPTCY.

District of , ss:

KNOW ALL MEN BY THESE PRESENTS: That we, , of ;  
of ; and of  
are held and firmly bound unto the United States of America in the just and

full sum of \_\_\_\_\_ dollars, to the payment whereof, well and truly to be made, we do bind ourselves, our and each of our heirs, executors, and administrators.

Signed, Sealed, and Delivered at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_.

The said \_\_\_\_\_, having been, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, by order of the District Court of the United States for the \_\_\_\_\_ District of \_\_\_\_\_; IN BANKRUPTCY, appointed assignee of the estate of \_\_\_\_\_, a Bankrupt, this Bond is executed pursuant to the thirteenth Section of the Act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867; and is conditioned for the due and faithful discharge of all \_\_\_\_\_ duties by the said \_\_\_\_\_, as such assignee, and in compliance with the Orders and Directions of the Court in the matter of Bankruptcy of the said \_\_\_\_\_.

Signed, Sealed, and Delivered  
in presence of—  
\_\_\_\_\_, [L. S.]  
\_\_\_\_\_, [L. S.]  
\_\_\_\_\_, [L. S.]

[N. B.—To be Endorsed on the above "On the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_"]

Approved:

*District Judge, [or, Register in Bankruptcy.]*

Form No. 18.

ASSIGNMENT OF BANKRUPT'S EFFECTS.

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_.

In the Matter of \_\_\_\_\_

IN BANKRUPTCY.

Bankrupt.

District of \_\_\_\_\_, ss:—

KNOW ALL MEN BY THESE PRESENTS, that \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, in said District has been duly appointed assignee [If more than one assignee is appointed, insert accordingly] in said matter. Now, THEREFORE, I \_\_\_\_\_, Judge of said District Court, [or, Register in Bankruptcy of said District,] by virtue of the authority vested in me by the 14th Section of an Act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867, do hereby convey and assign to the said \_\_\_\_\_, assignee, as aforesaid, all the Estate, Real and Personal, of the said \_\_\_\_\_, Bankrupt, aforesaid, including all the property, of whatever kind, of which he is possessed, or in which he was interested, or entitled to have on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, with all his Deeds, Books, and Papers relating thereto, excepting such property as is Exempted from the operation of this Assignment by the provisions of said Fourteenth Section of said Act.

To HAVE AND TO HOLD all the foregoing premises to the said \_\_\_\_\_, and his heirs forever, IN TRUST, NEVERTHELESS, for the use and purposes, with the powers, and subject to the conditions and limitations set forth in said Act.

IN WITNESS WHEREOF, I, the said Judge [or, the said Register] have here-  
 unto set my hand, and caused the seal of said Court to be affixed,  
 { L. s. } this day of , A. D. 18  
 { of the Court }

*District Judge, [or, Register in Bankruptcy.]*

*Form No. 19.*

NOTICE OF ASSIGNEE OF HIS APPOINTMENT.

(In Bankruptcy.)

District of , ss:  
 At , the day , A. D. 18 .

The undersigned hereby gives notice of his appointment as assignee of  
 of , in the County of , and State of , within said  
 District, who has been adjudged a Bankrupt upon his own Petition [or, on  
 Creditor's Petition; or, as the case may be] by the District Court of said District.  
 , Assignee, &c.

To \_\_\_\_\_,

*Form No. 20.*

EXEMPTED PROPERTY.

In the District Court of the United States,  
 For the District of \_\_\_\_\_

In the Matter of \_\_\_\_\_

IN BANKRUPTCY.

Bankrupt .

At , on the day of , 18 .

District of , ss:

The following is a Schedule of property designated and set apart to be re-  
 tained by the Bankrupt aforesaid, as his own property, under the provisions of the  
 14th Section of the Act of Congress entitled "An Act to establish a Uniform  
 System of Bankruptcy throughout the United States," approved March 2, 1867:

General Head.	Particular Description.	Value.	
		Dolls.	Cts.
Necessary household and kitchen furniture.			
Other articles and necessities....			
Wearing apparel of Bankrupt and his family.			
Equipments, if any, as a Soldier.			
Other Property Exempted by the laws of the United States.			
Property Exempted by State Laws.			

*District Judge, [or, Register.]*

Form No. 21.

PROOF OF DEBT, WITH SECURITY.

In the District Court of the United States,  
For the District of

In the Matter of

IN BANKRUPTCY.

Bankrupt .

District of , ss :

On this day of , A. D. 18 , before me , a Register in Bankruptcy [or, United States Commissioner, or other proper officer] of said District, personally appeared , of , in the County of , and State of , and who, after being duly sworn [or, affirmed] and examined, at the time and place aforesaid, upon his oath, says that , the person by [or, against] whom a Petition for Adjudication of Bankruptcy is filed, was at and before the filing of the said Petition and still , justly and truly indebted to this Deponent, [or, the firm of , composed of this deponent and , transacting business at ,] in the sum of dollars and cents, for which said sum of dollars and cents, or any part thereof, this Deponent has not nor any person by order, or to this Deponent's knowledge or belief, for use, received any security or satisfaction whatsoever, save and except the hereinafter mentioned; that the claim was not procured for the purpose of influencing the proceedings under the Act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867; that no bargain or agreement, expressed or implied, has been made or entered into by or on behalf of this Deponent to sell, transfer, or dispose of said claim, or any part thereof, against said Bankrupt, or to take or receive, directly or indirectly, any money, property, or consideration whatever, whereby the vote of this Deponent [or, the firm of which this Deponent is a member] for Assignee, or any action on the part of this Deponent, or any other person, in the proceedings under said act, has been, is, or shall be in any way affected, influenced, or controlled; [Here insert a particular description of the debt, and also of the property held as security, and the estimated value of such property]

Deponent.

Subscribed and sworn [or, affirmed] to, at , on the day of , A. D. 18 .  
Before me

District Judge, [or, Register in Bankruptcy.

[Or, U. S. Commissioner.]

Received by me, at this day of , A. D. 18 .

Assignee.

## Form No. 22.

## DEPOSITION FOR PROOF OF DEBT WITHOUT SECURITY.

In the District Court of the United States.  
For the                      District of

In the Matter of

IN BANKRUPTCY.

Bankrupt.

District of

, ss :

At                      , in the County of                      , and State of                      ,  
on the                      day of                      , A. D. 18                      , before me came                      ,  
of                      , in the County of                      , and State of                      , and  
made oath, [or, affirmation,] and says, that the said                      , the per-  
son                      whom a Petition for adjudication of Bankruptcy has been filed, at  
and before the filing of the said Petition,                      and still                      justly  
and truly indebted to this Deponent in the sum of, [Here state the amount,  
and describe the consideration of the Debt, and whether any, and what, pay-  
ments have been made thereon,] for which said sum of                      dollars  
and                      cents, or any part thereof, this Deponent says that he has not  
nor has                      any person by his order, or to this Deponent's knowl-  
edge or belief, for                      use, had, or received any manner of satisfac-  
tion or security whatsoever.

And this Deponent further says that the said claim was not procured for the  
purpose of influencing the proceedings under the Act of Congress entitled "An Act  
to Establish a Uniform System of Bankruptcy throughout the United States,"  
approved March 2, 1867; that no bargain or agreement, express or implied,  
has been made or entered into by or on behalf of this Deponent to sell, transfer,  
or dispose of said claim, or any part thereof, against said Bankrupt, or to take  
or receive, directly or indirectly, any money, property, or consideration what-  
ever, whereby the vote of this Deponent for Assignee, or any action on the  
part of this Deponent, or any other person in the proceedings under said Act,  
has been, is, or shall be in any way affected, influenced, or controlled.

Deposing Creditor.

Subscribed and sworn [or affirmed] to, before me,

Register in Bankruptcy.



Form No. 23.

DECLARATION FOR PROOF OF DEBT BY OFFICER OF CORPORATION.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

District of

, ss:—

I, \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, President [or, Cashier, or, Treasurer, or, as the case may be] of \_\_\_\_\_, being a Corporation incorporated by and under the laws of the State of \_\_\_\_\_, and carrying on business at \_\_\_\_\_, in the State of \_\_\_\_\_, being duly sworn, do solemnly declare that I am such officer, and duly authorized to make this proof, and that the statement of the \_\_\_\_\_ between the said Corporation and the said Bankrupt, hereunto annexed, is a full, true, and complete statement of account between the said Corporation and the said Bankrupt; and that it is within my own knowledge, that the debt thereby appearing to be due from the estate of said Bankrupt to the said Corporation was incurred, on, or before the \_\_\_\_\_ day of \_\_\_\_\_, and for the consideration therein stated; and that to the best of my knowledge and belief the said debt still remains unpaid and unsatisfied. And I do further declare that said claim was not procured for the purpose of influencing the proceedings under said Act, and that no bargain or assignment, express or implied, has been made or entered into by or on behalf of said Corporation to sell, transfer, or dispose of the said claim or any part thereof, against such Bankrupt, or to take or receive, directly or indirectly, any money, property, or consideration whatever, whereby the vote of such Corporation, or of any person in the proceedings under said Act was, is, or shall be, in any way, affected, influenced, or controlled.

\_\_\_\_\_  
President [or, as the case may be]  
of the Company, [or, Association.]

Declared under oath at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_

Before me,

\_\_\_\_\_  
Register in Bankruptcy.

## Form No. 24.

## AFFIDAVIT FOR PROOF OF DEBT BY AGENT OR ATTORNEY.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

District of , ss:—

On this day of , A. D. 18 , before me, , Register in Bankruptcy, [or, U. S. Commissioner, or other proper officer] of said District, personally appeared , of , in the County of and State of , Attorney, [or, Authorized Agent,] of in the County of , and State of , and after being by me duly sworn, [or, affirmed,] says that the said , the person by [or, against] whom a Petition for Adjudication of Bankruptcy has been filed, , at and before the filing of the said Petition, and still justly and truly indebted to the said , in the sum of dollars and cents, [Here particularly describe the consideration of the debt, and whether any, &c.,] for which said sum of dollars and cents , or any part thereof, this Deponent says that he has not, nor has any person by his Order, or to this Deponent's knowledge, or belief, for use had or received any, manner of satisfaction or security whatsoever. And this Deponent further says, that the claim was not procured for the purpose of influencing the proceedings under the Act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867; that no bargain or agreement, express or implied, has been made, or entered into, by, or on behalf of such creditor to sell, transfer, or dispose of said claim, or any part thereof, against said Bankrupt, or to take or receive, directly or indirectly, any money, property, or consideration whatever, whereby the vote of such Creditor for assignee, or any action on the part of such Creditor, or any other person in the proceedings under said Act, has been, is, or shall be, in any way affected, influenced, or controlled. And this Deponent further says, that he is duly authorized by his principal to make this Affidavit, and that it is within his knowledge, that the aforesaid debt was incurred, as and for the consideration above stated, and that such debt to the best of his knowledge and belief still remains unpaid and unsatisfied.

Subscribed and sworn [or, affirmed] to, this day of , A. D. 18 before me—

District Judge, [or Register in Bankruptcy;  
Or, U. S. Commissioner.]

Received by me, this day of , A. D. 18 ,

Assignee.

Form No. 25.

PROOF OF DEBT WITH SECURITY BY AGENT.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

At , in said District,  
on the day of , A. D. 18 .  
Before Mr. ,  
Register in Bankruptcy.

District of , ss:—

On the day above mentioned, personally came , attorney [or, au-  
thorized agent] of , who being duly and examined at the time  
and place aforesaid, upon h oath, says that , the per-  
son whom a Petition for Adjudication of Bankruptcy is filed w at  
and before the filing of the said Petition, and still justly and truly in-  
debted to the said , in the sum of dollars and cents, for  
which said sum of dollars and cents, or any part thereof, this  
Deponent has not, nor any person by order, to this Depo-  
nent's knowledge or belief, for the use, of said , received  
any security or satisfaction whatsoever, save and except the herein-  
after mentioned. And this Deponent further says that he is duly authorized  
by his principal to make this deposition, and that it is within his knowledge  
that the aforesaid debt was incurred as and for the consideration above stated,  
and that such debt to the best of his knowledge and belief still remains unpaid  
and unsatisfied; that the claim was not procured for the purpose of influencing  
the proceedings under the Act of Congress entitled "An Act to Establish a  
Uniform System of Bankruptcy throughout the United States," approved  
March 2, 1867; that no bargain or agreement, expressed or implied, has  
been made, or entered into, by or on behalf of such Creditor to sell, trans-  
fer, or dispose of said claim, or any part thereof, against said Bankrupt, or  
to take or receive, directly or indirectly, any money, property, or consideration  
whatever, whereby the vote of such Creditor for Assignee, or any action on the  
part of such Creditor, or any other person in the proceedings under said Act,  
has been, is, or shall be in any way affected, influenced, or controlled.

[Here insert a description of the debt, and also of the property held as secu-  
rity and the estimated value of such property.]

Subscribed and to, this day of , A. D. 18 .  
Before me, \_\_\_\_\_,

Register in Bankruptcy.

Received by me, this day of , A. D. 18 .  
\_\_\_\_\_, Assignee.

Form No. 26.

## LETTER OF ATTORNEY TO REPRESENT CREDITOR

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt.

IN BANKRUPTCY.

To

Sir, [Messrs., or Gentlemen:]—

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_ and State of \_\_\_\_\_, do hereby authorize you [or, either of you] to attend the Meeting, or Meetings of Creditors of the Bankrupt aforesaid, advertised, or directed to be held at a Court of Bankruptcy at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_, the day notified in the Warrant issued to the Messenger by said Court in said matter, or at such other place and time as may be appointed by the Court for holding such meeting or meetings, or at which such meeting or meetings, or any adjournment or adjournments thereof, may be held, and then and there, from time to time, and as often as there may be occasion, for \_\_\_\_\_ and in \_\_\_\_\_ name to vote for or against any proposal or resolution that may be then submitted under the 12th, 13th, 14th, 18th, 19th, 21st, 22d, 23d, 27th, 28th, 33d, 36th, 37th, 42d, and 43d Sections of the Act entitled "An act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867; and in the choice of assignee, or assignees, of the Estate of the said Bankrupt, and for \_\_\_\_\_, [or, either of us] to accept such appointment of assignee; and with like powers to attend and vote at any other meeting, or meetings, of Creditors, or sitting, or sittings, of the Court, which may be held therein for any of the purposes aforesaid, or the Declaration of Dividend, or for any other purpose in \_\_\_\_\_ interest whatsoever.

In witness whereof, \_\_\_\_\_ have hereunto signed \_\_\_\_\_ name  
and affixed \_\_\_\_\_ seal the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_.

Signed, Sealed, and Delivered in \_\_\_\_\_, [L. S.]

presence of—

[L. S.]

[L. S.]

[NOTE.—The party executing the above letter of attorney may acknowledge the same before a Judge, Register, Clerk, or Commissioner of the Court, or any officer authorized to take the acknowledgment of Deeds or other Instruments in Writing.]

[N. B. Upon the above letter of attorney should be endorsed the following Certificate of the Register, to wit: "Exhibited to me, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_, at \_\_\_\_\_"]

Register in Bankruptcy."

Form No. 27.

AFFIDAVIT OF LOST BILL OR NOTE.

In the District Court of the United States,  
For the District of

In the Matter of  
Bankrupt .  
} IN BANKRUPTCY.

District of ss :—

On this day of , A. D. 18 , at , comes before me , of , in the County of , and State of , and makes and says that he has made a careful search for the Bill of Exchange, [or, note,] the particulars whereof are under written, and which ha been proved under this estate by , but that he, this Deponent, has not been able to find the same, and verily believes that the same has been lost or mislaid ; and this Deponent further says that he has not, nor has the said , or any person, or persons, to their use, to this Deponent's knowledge, or belief, negotiated the said Bill, [or, note,] nor in any manner parted, with or assigned, the legal or beneficial interest therein, or any part thereof ; and that he, this Deponent, is the person now legally and beneficially interested in the same, and entitled to receive for his own use all dividends in respect thereof.

Bill or note above referred to.

Date.	Drawer or Maker.	Acceptor.	Sum.

Subscribed and to, before me , on this day of ,  
A. D. 18 .

Register, or U. S. Commissioner [or, other proper officer.]

Upon the above named Deponent signing the annexed letter of indemnity, and giving security to the satisfaction of the official assignee, I direct the dividend to be paid to him.

Register in Bankruptcy.

*Form of notice of Indemnification to Register.*

In the matter of \_\_\_\_\_, of \_\_\_\_\_, Bankrupt.

SIR: The Bill [or, Note] mentioned below, proved by \_\_\_\_\_, under this estate, having been lost or mislaid, and the following dividend having been declared thereon, but not yet paid, viz:— \_\_\_\_\_, in consideration of your paying to \_\_\_\_\_ or to \_\_\_\_\_ order the dividend \_\_\_\_\_ above mentioned hereby undertake to indemnify you against all claims of any other person to the said dividend, or any part thereof; and from all loss, damage, and expense, which you or your Executors or Administrators may sustain by reason of your making such payment to me; and if it should hereafter appear that the said sum of \$ \_\_\_\_\_, or any part thereof, with the dividend already received or declared up to this day, exceed the amount of the Bill [or, Note] hereby engage to repay the same to you, or to the assignee, or assignees, of the above estate, with interest at the rate of \_\_\_\_\_ per cent. per annum from this day.

Dated at \_\_\_\_\_, this \_\_\_\_\_, A. D. 18 \_\_\_\_.

*Bill or Note above referred to.*

Date.	Drawer or Maker.	Acceptor.	Sum.

\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_,  
*Sureties of Creditor receiving Dividend.*

To Mr. \_\_\_\_\_,  
*Register in Bankruptcy.*

*Form No. 28.*

## NOTICE AND REQUEST OF ASSIGNEE

(2d meeting of Creditors.)

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_.

In the Matter of \_\_\_\_\_

IN BANKRUPTCY

Bankrupt.

To the Hon. \_\_\_\_\_,

*Judge of the District Court [or, Register in Bankruptcy] in the above District.*

SIR: I, [or, we,] the Assignee of the estate of said Bankrupt, respectfully represent, that \_\_\_\_\_ have accepted the appointment of Assignee of said estate; that

the period of three months has elapsed since the date of the Adjudication of Bankruptcy in said case, and request that the Court will order a General Meeting of the Creditors of said Bankrupt, to which \_\_\_\_\_ may make report of proceedings in \_\_\_\_\_ trust, according to the provisions of the Twenty-Seventh Section of the Bankrupt Act of March 2, 1867.

\_\_\_\_\_, Assignee

*Order Thereon—By the Court, or Register.*

Upon the foregoing application of \_\_\_\_\_, Assignee of the estate of Bankrupt, it is *Ordered* that a second General Meeting of the Creditors of said Bankrupt be held at \_\_\_\_\_, in said District, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., at the office of \_\_\_\_\_, one of the Registers in Bankruptcy in said District, for the purposes named in the Twenty-seventh Section of the Bankrupt Act of March 2, 1867.

And it is further *Ordered*, That the Assignee give notice of said meeting by sending written or printed notices by mail, post-paid, of the time and place of said meeting to all known Creditors of said Bankrupt; and that \_\_\_\_\_ also notify the Bankrupt to be present thereat; and \_\_\_\_\_ shall also publish notice of the time and place of said meeting on two different days in the newspaper called the \_\_\_\_\_, printed at \_\_\_\_\_, at least \_\_\_\_\_ days prior to said meeting.

Witness the Honorable \_\_\_\_\_, Judge of the said Court, and \_\_\_\_\_, in said District, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_.

{ Seal of } the Court. } day of \_\_\_\_\_, A. D. 18\_\_\_\_.

\_\_\_\_\_, Clerk of District Court, for said District.

*Form No. 29.*

FORM OF RETURN OF ASSIGNEE TO BE SUBMITTED TO THE REGISTER IN BANKRUPTCY PRESIDING AT SAID MEETING.

In the Matter of \_\_\_\_\_

IN BANKRUPTCY.

Bankrupt .

District of \_\_\_\_\_, ss:—

I, [or, we,] Assignee of the estate of \_\_\_\_\_, a Bankrupt, do certify, that \_\_\_\_\_ have caused the notices required by the foregoing order to be published in the newspaper called the \_\_\_\_\_, printed at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_; and that \_\_\_\_\_ have caused written or printed notices of the time and place of said meeting to be sent by mail, post paid, to all known Creditors of said Bankrupt. Said notices were mailed at the post office in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_, at \_\_\_\_\_ days prior to the date appointed for the said meeting.

\_\_\_\_\_, Assignee.

Subscribed and \_\_\_\_\_ to, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_.

Before me,

\_\_\_\_\_, Register in Bankruptcy.

[N. B.—Like forms may be used for the third meeting of Creditors, and for subsequent meetings, if such are ordered by the Court.]

## Form No. 30.

## DIVIDEND MEETING.

In the District Court of the United States,  
For the District of

In the Matter of

IN BANKRUPTCY,

Bankrupt .

At \_\_\_\_\_, in said District,  
on \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18: .

District of \_\_\_\_\_, ss:—

MEMORANDUM.—That at a meeting of the Bankrupt's Creditors duly called and held this day for the purposes set forth in the 27th Section of the Act entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867, we, the undersigned, being the majority in value of the Creditors of the said Bankrupt present, or represented at this Meeting, seeing that it appears by the accounts of the Assignee \_\_\_\_\_, now filed, that there is a balance of \_\_\_\_\_ dollars, standing to the credit of this estate, in the Bank of \_\_\_\_\_, and a balance of \_\_\_\_\_ dollars in the hands of the \_\_\_\_\_, do *Resolve* that after payment of all proper costs, charges, and expenses, and after deducting and retaining a sum sufficient for all undetermined claims, which, by reason of the distant residence of the Creditors, or for other reason satisfactory to us, have not been proved, and for other expenses and contingencies, the sum of \_\_\_\_\_ dollars remains for distribution among the Creditors of the above named Bankrupt, who have proved their debts against the said Bankrupt's estate. And, it was further *Resolved*, by the undersigned Creditors that the said sum be divided among the Creditors who have proved their claims against said estate, and that such proceedings be had for declaring and paying said dividend as are required by the 27th Section of said Act.

\_\_\_\_\_  
\_\_\_\_\_  
Creditors.

I hereby certify to the above.

\_\_\_\_\_  
\_\_\_\_\_  
*Register in Bankruptcy.*

[N. B.—In case one half in value of the Creditors shall not be represented at such meeting, the fact shall be so stated in the Memorandum; and the amount to be divided, and the order for a dividend shall be made and signed by the Assignee in accordance with the provisions of the 27th Section of said Act.]

[N. B.—Like forms may be used for the further proceedings provided for in the 28th Section of said Act.]



Form No. 31.

NOTICE OF DIVIDEND.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

At , on the day of , A. D. 18 .

SIR : I hereby inform you that you may, on application, at my office, , on the day of , or any day thereafter, between the hours of , receive a Warrant for the Dividend due to you out of the above estate. If you cannot personally attend, the Warrant will be delivered to your order on your filling up and signing the subjoined letter. The bills and securities, if any, exhibited at the time of the proof of your debt must be produced to me before the Warrant of Dividend can be received.

I am, sir, your obedient servant,

Assignee.

To

*Subjoined letter authorizing Assignee to give Warrant to party other than Creditor.*

To Mr.

Assignee in Bankruptcy of the estate of , Bankrupt.

SIR : [or, Messrs.] Please to deliver to , the Dividend Warrant payable to me out of the above estate.

Yours, &c.,

Creditor.

Form No. 32.

LIST OF PROOFS AND CLAIMS FOR DIVIDEND.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

At , in said District  
on the day of , A. D. 18

*A list of debts proved and claimed under the Bankruptcy of \_\_\_\_\_, afore-  
said, with \_\_\_\_\_ Dividend at the rate of \_\_\_\_\_ per cent. this day  
declared thereon by Mr. \_\_\_\_\_, one of the Registers in Bankruptcy  
of said District Court.*

No.	Creditors. To be placed alphabetically, and the names of all the parties to the proof to be carefully set forth.	Sum proved.		Dividend.	
		The claims to be set forth in the same manner at the end of the whole of the profits.			
		Dollars.	Cents.	Dolls.	Cts.

*Register in Bankruptcy.*

Form No. 33.

LIST OF PROOFS OF DEBTS AND CLAIMS FOR ASSIGNEE TO PAY DIVIDENDS.

In the District Court of the United States,  
For the District of

In the Matter of

IN BANKRUPTCY

Bankrupt.

District of , ss:—  
At , in said District, on the , 18 .

A list of Debts proved and claimed under the Bankruptcy of , with the Dividend at the rate of per cent., this day declared thereon by Mr. one of the Registers in Bankruptcy of said Court.

No.	Creditors. To be placed Alphabetically, and the names of all the Parties to the Proof to be carefully set forth.	Residence and De- scription.	Sums proved or claimed. Claims to be set forth in the same manner after the whole of the Proofs.		Dividend.		Bills and Securities exhibited.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
			Dolls.	Cts.	Dolls.	Cts.	Date of Bill or Note.	Dawerr or Maker.	Acceptor.	Indorser.	Sum.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													

[N. B.—The Dividends will be paid from this List; it is therefore required to be correctly extracted from the proceedings, signed by the Register, and delivered to the Assignee.] \_\_\_\_\_, Register in Bankruptcy.

## Form No. 34.

## PETITION OF ASSIGNEE FOR POWER TO RELIEVE PROPERTY FROM LIEN.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

To \_\_\_\_\_,

, Assignee of the estate of said Bankrupt, respectfully represents that a certain portion of said Bankrupt's estate, to wit: [*Here describe the estate or property and its estimated value,*] is subject to a mortgage, [*Describe the mortgage,*] or to a conditional contract, [*Describing it,*] or to a lien, [*Describe the origin and nature of the lien,*] or, (if the property be personal property,) has been pledged or deposited and is subject to a lien for, [*Describe the nature of the lien,*] and that according to the best judgment of your Petitioner it would be for the interest of the Creditors of said estate that said property should be redeemed and discharged from the lien thereon. Wherefore pray that may be empowered to pay out of the assets of said estate in hands the sum of \_\_\_\_\_, being the amount of said lien in order to redeem said property therefrom.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, Assignee.

[N. B.—If the prayer is for a sale of the property, strike out all after the words "*judgment of your Petitioner,*" and insert "it would be for the interest of the creditors of said estate that said property should be sold subject to said mortgage, lien, or other incumbrance. Wherefore, he prays, that he may be authorized to make sale of said property subject to the incumbrance thereon in the manner prescribed by the general order for the sale of property not encumbered."

## Form No. 35.

## ASSIGNEE'S RETURN WHERE THERE ARE NO ASSETS.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

At \_\_\_\_\_, in said District,  
on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_.

District of \_\_\_\_\_, ss:

On the day aforesaid, before me, comes \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, and makes \_\_\_\_\_, and says, that he, this

Deponent, as Assignee [*or*, one of the Assignees] of the estate and effects of the above named Bankrupt, neither received nor paid any moneys on account of the estate.

Subscribed and to, at this day of , A. D. 18 .  
Before me,

*Register in Bankruptcy.*

*Form No. 36.*

ASSIGNEE'S NOTICE FOR SETTLEMENT OF HIS ACCOUNTS PREPARATORY TO FINAL DIVIDEND.

In the District Court of the United States,  
For the District of

In the Matter of

IN BANKRUPTCY.

Bankrupt .

At , on the day of , A. D. 18 .

To \_\_\_\_\_,

SIR :

This is to give you notice that I have filed my final accounts as assignee of the estate of \_\_\_\_\_, Bankrupt, in said Court, and that on the \_\_\_\_\_ day of \_\_\_\_\_, next, I shall apply to said Court for the settlement of my said accounts, and for a discharge from all liability as Assignee of said estate in accordance with the provisions of the twenty-eighth section of the Bankrupt Act of March 2, 1867.

Yours, &c., \_\_\_\_\_, Assignee.

*Form No. 37.*

AFFIDAVIT TO BE MADE BY ASSIGNEE.

In the District Court of the United States,  
For the District of

In the Matter of

IN BANKRUPTCY.

Bankrupt .

District of , ss:—

On this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, before me comes \_\_\_\_\_ of \_\_\_\_\_, in the county of \_\_\_\_\_, and State of \_\_\_\_\_, and makes \_\_\_\_\_, and says that he, this Deponent, was, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, appointed Assignee of the estate and effects of the above-named

Bankrupt, and that as such he has conducted the settlement of the said estate. That the account hereto annexed containing \_\_\_\_\_ sheets of Paper, the first sheet whereof is marked with the letter \_\_\_\_\_ [Reference may here also be made to any prior account filed by Deponent] is true, and such account contains entries of every sum of money received by Deponent, on account of the estate and effects of the above-named Bankrupt, and that the payments purporting in such account to have been made by Deponent have been so made by him. And he asks to be allowed for said payments and for charges of settlement as set forth in said accounts.

\_\_\_\_\_, Assignee.  
 Sworn to and subscribed at \_\_\_\_\_, in said \_\_\_\_\_ District of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.  
 Before me, \_\_\_\_\_,

\_\_\_\_\_,  
*Register in Bankruptcy.*

Form No. 38.

### ACCOUNT OF ASSIGNEE.

**[To be annexed to affidavit of Assignee.]**

**Dr.**

## *The estate of*

*, Bankrupt , in account with*

*Assignee.*

**CR.**

Dolls.

**Cts**

Dolls. Cts.

Cts.

**Dolls.**

Cts.

Dolls.		Cts.
1	00	00
2	00	00
3	00	00
4	00	00
5	00	00
6	00	00
7	00	00
8	00	00
9	00	00
10	00	00
11	00	00
12	00	00
13	00	00
14	00	00
15	00	00
16	00	00
17	00	00
18	00	00
19	00	00
20	00	00
21	00	00
22	00	00
23	00	00
24	00	00
25	00	00
26	00	00
27	00	00
28	00	00
29	00	00
30	00	00
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## Form No. 39.

## ORDER OF SETTLEMENT AND DISCHARGE OF ASSIGNEE.

In the District Court of the United States,  
For the District of .

In the Matter of

Bankrupt .

IN BANKRUPTCY.

District of , ss :—

The foregoing account having been presented for allowance, and having been examined and found correct, it is *Ordered*, That the same be allowed, and that the said Assignee be discharged according to the provisions of the 28th Section of the Bankrupt Act of March 2, 1867.

\_\_\_\_\_  
District Judge, [or, Register.]

## Form No. 40.

## PETITION FOR REMOVAL OF ASSIGNEE.

In the District Court of the United States  
For the District of .

In the Matter of

Bankrupt .

IN BANKRUPTCY.

To the Hon.

Judge of the District Court, for the District of :  
District of , ss :

The petition, of , one of the parties interested in the settlement of said Bankrupt's estate, petitioning, respectfully represents, that heretofore appointed Assignee of said Bankrupt's estate, [Here set forth the particular cause or causes for which such removal is requested.]

Wherefore pray that notice may be served upon said Assignee as aforesaid, to show cause, at such time as may be fixed by the Court, why an order should not be made removing him from said trust.

Subscribed and sworn [or, affirmed] to, this day of , A. D. 18 ,  
at , in said District.  
Before me,

\_\_\_\_\_  
Register in Bankruptcy.



## Form No. 41.

## NOTICE OF MOTION FOR REMOVAL.

In the District Court of the United States,  
For the District of \_\_\_\_\_

In the Matter of \_\_\_\_\_

Bankrupt .

IN BANKRUPTCY.

At \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

To \_\_\_\_\_

*Assignee of the estate of \_\_\_\_\_, Bankrupt.*

You are hereby notified to appear before this Court, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., to show cause (if any you have) why you should not be removed from your trust as Assignee as aforesaid, according to the prayer of the Petition of \_\_\_\_\_, one of the parties interested in said estate, filed in this Court on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_, in which it is alleged, [*Here insert the allegation of the Petition.*]

Hereof fail not.

\_\_\_\_\_, Clerk, &c.  
[N. B.—To be served by the Marshal and return to be made in usual form.]

## Form No. 42.

## ORDER FOR MEETING OF CREDITORS TO CONSIDER QUESTION OF REMOVAL OF ASSIGNEE AND APPOINTMENT OF HIS SUCCESSOR.

In the District Court of the United States,  
For the District of \_\_\_\_\_

In the Matter of \_\_\_\_\_

Bankrupt .

IN BANKRUPTCY

At \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

District of \_\_\_\_\_, ss :

WHEREAS \_\_\_\_\_, of \_\_\_\_\_, has filed his Petition in this Court for the removal of \_\_\_\_\_, heretofore appointed Assignee of the estate of said \_\_\_\_\_, Bankrupt, setting forth, [*Here insert the allegations of the Petition.*]

It is Ordered, That the Clerk of this Court give notice to the Creditors of \_\_\_\_\_, by letter to be mailed to each within \_\_\_\_\_ days after the date of this order, that a meeting of said Creditors will be held at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., at which, Mr. \_\_\_\_\_ one of the Registers of this Court, will preside, for the purpose of considering the question of recommending such removal and appointing a successor in said trust.

*District Judge.*

[N. B.—If the meeting is called upon an application of a majority in number and value of the Creditors of the Bankrupt, the Form may be varied accordingly.]

[The vote for removal is substantially the same Form as that for the appointment of Assignee in Form No. 15, substituting "removal" for "appointment;" and the Form of vote for choice of new Assignee will be substantially the same as the Form referred to.]

*Form No. 43.*

## ORDER FOR REMOVAL OF ASSIGNEE

In the District Court of the United States,  
For the District of .

In the Matter of

IN BANKRUPTCY

Bankrupt .

At , on the day of , A. D. 18 .

District of , ss :

Whereas , of , did on the day of A. D. 18 , present his Petition to this Court, stating as therein set forth, and praying that , the Assignee of the estate of said Bankrupt, might be removed :

NOW, THEREFORE, upon reading the said Petition of the said , and the evidence submitted therewith, and upon hearing what was alleged by Mr. , of counsel on behalf of said Petitioner, and by Mr. , of counsel for , Assignee as aforesaid, and upon the evidence submitted on behalf of said Assignee,

It is *Ordered*, that the said , be removed from the trust of Assignee of the estate of said Bankrupt, and that the costs of the said Petitioner incidental to said Petition be paid by said , Assignee, [or, out of the estate of the said , subject to prior charges.]

Witness the Honorable , Judge of the said Court, and the seal thereof, at , in said District, on the day of , A. D. 18 .

{ Seal of  
the Court. }

Clerk of District Court, for said District

*Form No. 44.*

## FURTHER ORDER.

In the District Court of the United States,  
For the District of .

In the Matter of

IN BANKRUPTCY

Bankrupt .

At , on the day of , A. D. 18

District of , ss :

WHEREAS , heretofore appointed Assignee of the estate of said Bankrupt , has, upon the Petition of , and after hearing thereon, been removed from his said trust,

It is *Ordered*, That a meeting of the Creditors of said , be held at , in , in said District, on the day of , A. D. 18 , at which Mr. , one of the Registers of this court, shall preside, for the choice of a new Assignee of said estate.

And it is further *Ordered*, That the Clerk of this Court give notice to said Creditors of the time, place, and purpose of said meeting by letter to each, to be deposited in the mail within \_\_\_\_\_ days from the date of this order.

Witness the Honorable \_\_\_\_\_, Judge of the said Court, and  
the seal thereof, at \_\_\_\_\_, in said District, on the  
{ Seal of } day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_  
{ the Court. }

\_\_\_\_\_  
*Clerk of District Court, for said District.*

*Form No. 45.*

ORDER FOR BANKRUPT'S EXAMINATION.

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_

In the Matter of \_\_\_\_\_

Bankrupt .

} IN BANKRUPTCY.

At \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_.

District of \_\_\_\_\_, ss :

On the application of \_\_\_\_\_, Assignee of said Bankrupt, [or, Creditor of said Bankrupt, as the case may be,] it is *Ordered*, That said Bankrupt attend before \_\_\_\_\_, one of the Registers in Bankruptcy of this Court, at his office [Describing the place] on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock m., to submit to the examination required by the 27th Section of the Bankrupt Act of March 2, 1867, and that a copy of this order be delivered to him the said \_\_\_\_\_, forthwith.

Witness the Honorable \_\_\_\_\_, Judge of the said Court, and  
the seal thereof, at \_\_\_\_\_, in said District, on the  
{ Seal of } day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_  
{ the Court. }

\_\_\_\_\_  
*Clerk of District Court, for said District.*

[N. B.—Where the wife of the Bankrupt is to be examined the like form may be used adding after the description of the application, the words "and for good cause shown to this Court, she be required to attend before said court, [or, before \_\_\_\_\_, a Register in Bankruptcy.]" ]

*Form No. 46.*

EXAMINATION OF BANKRUPT OR ANY WITNESS EXAMINED RELATIVE  
TO THE BANKRUPTCY.

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_

In the Matter of \_\_\_\_\_

Bankrupt .

} IN BANKRUPTCY.

At \_\_\_\_\_, in said District,  
on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_.

Before Mr. \_\_\_\_\_

*One of the Registers in Bankruptcy of said Court.*

District of \_\_\_\_\_, ss :  
 , of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_  
 being duly \_\_\_\_\_ and \_\_\_\_\_ examined at the time and place above mentioned  
 upon h \_\_\_\_\_ oath says. [*Here insert substance of examination of party.*]  
 \_\_\_\_\_, Register.

*Form No. 47.*

DECLARATION TO BE MADE BY BANKRUPT OR HIS WIFE.

In the District Court of the United States,  
 For the \_\_\_\_\_ District of \_\_\_\_\_.

In the Matter of \_\_\_\_\_

Bankrupt .

} IN BANKRUPTCY.

At \_\_\_\_\_, in said District,  
 on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

District of \_\_\_\_\_, ss :

The person declared a Bankrupt under a Petition for Adjudication of Bankruptcy, filed on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, do solemnly \_\_\_\_\_ that I will make true answer to all such questions as may be proposed to me respecting all the property of the said \_\_\_\_\_, and all dealings and transactions relating thereto, and will make a full and true disclosure of all that has been done with the said property, to the best of my knowledge, information, and belief.

*Bankrupt*, [*Or*, \_\_\_\_\_, *the wife of the said* \_\_\_\_\_, *Bankrupt.*]

Subscribed and \_\_\_\_\_ to, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

Before me, \_\_\_\_\_,

*Register in Bankruptcy.*

*Form No. 48.*

SUMMONS OF WITNESS AFTER ADJUDICATION.

In the District Court of the United States,  
 For the \_\_\_\_\_ District of \_\_\_\_\_.

In the Matter of \_\_\_\_\_

Bankrupt .

} IN BANKRUPTCY

District of \_\_\_\_\_, ss :—

Whereas, \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, has been duly declared and adjudged Bankrupt, within the true intent and meaning of the Act entitled "An Act to Establish a Uniform

System of Bankruptcy throughout the United States," approved March 2, 1867, and such Bankruptcy is in due course of prosecution in the District Court of the United States for the District of , at , in said District,

These are to require you, to whom this summons is directed, personally to be and appear before , Esquire, one of the Registers in Bankruptcy of the said Court, acting in the matter of the said Bankruptcy, on the day of , at o'clock m., precisely at [*Here insert place of examination*] , then and there to be examined in relation to said Bankruptcy according to the provisions of said Act.

And hereof fail not.

Witness the Honorable , Judge of the said Court, and the seal thereof, at , in said District, on the day { Seal of } of , A. D. 18 . the Court }

*Clerk of District Court, for said District.*

*Form No. 49.*

RETURN OF THE ABOVE SUMMONS.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

District of , ss:—  
On this day of , A. D. 18 , before me came , of , in the county of , and State of , and makes , and says that he, this Deponent, did on the day of , one thousand eight hundred and , personally serve , of , in the County of , and State of , with a true copy of the Summons hereto annexed, by delivering the same to ; and he, this Deponent, further makes , and says, that he is not interested in the proceedings in Bankruptcy named in said Summons.

Subscribed and to, this day of , A. D. 18 .  
Before me,

*Register in Bankruptcy.*

[N. B.—In case the witness is to be summoned before adjudication, the form may be altered by substituting for the recital, the following words:—"By virtue of the Petition for Adjudication in Bankruptcy filed in said Court by , against , in the District Court of the United States for the District of ."]

## Form No. 50.

## FORM OF CERTIFICATE UNDER SECTION SIX.

In the District Court of the United States,  
For the District of \_\_\_\_\_

In the Matter of \_\_\_\_\_

Bankrupt .

} IN BANKRUPTCY.

District of \_\_\_\_\_, ss:

I, \_\_\_\_\_, one of the Registers of said Court in Bankruptcy, do hereby certify that in the course of the proceedings in said cause before me the following question arose pertinent to the said proceedings, and was stated and agreed to by the counsel for the opposing parties, to wit: Mr. \_\_\_\_\_, who appeared for the Bankrupt, and Mr. \_\_\_\_\_, who appeared for one of the Creditors of said Bankrupt, [*Add other names if others are interested.*] and [*Here follows a summary of the evidence upon the point or matter to be submitted to the Court, and the question of law arising thereon as agreed to by the counsel.*]

And the said parties requested that the same should be certified to the Judge for his opinion thereon.

Dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_,

\_\_\_\_\_,  
*Register in Bankruptcy.*

## Form No. 51.

## PETITION OF BANKRUPT FOR HIS DISCHARGE.

In the Matter of \_\_\_\_\_

Bankrupt .

} IN BANKRUPTCY.

To the Hon. \_\_\_\_\_, Judge of the District  
Court of the United States, for the District of \_\_\_\_\_.

A. B., of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, in said District, respectfully represents that on the \_\_\_\_\_ day of \_\_\_\_\_, last past, he was duly declared a Bankrupt under the Act of Congress in that case made and provided; that he hath duly surrendered all his property and rights of property, and fully complied with and obeyed all the orders and directions of the Court touching his Bankruptcy, and is ready to submit himself to any other and further examinations, orders, and directions which the Court may require.

[N. B.—If this Petition is filed within less than six months after the filing of the original Petition it should state that no debts have been proved against the Bankrupt, or that no assets have come to the hands of the Assignee.]

WHEREFORE HE PRAYS, that he may be decreed by the Court to have a full discharge from all his debts provable under said Bankrupt Act, and a certificate thereof granted according to the said Act of Congress.

Dated this            day of            , A. D. 18   .

*Bankrupt.*

*Order of Court thereon.*

District of            ss:—

On this            day of            , A. D. 18   , on reading the foregoing Petition, it is *Ordered* by the Court, That a hearing be had upon the same on the            day of            , A. D. 18   , before said Court at            , in said District at            o'clock            m.; and that notice thereof be published in newspapers printed in said District for            times once a week; and that all Creditors who have proved their debts, and other persons in interest, may appear at the said time and place and show cause, if any they have, why the prayer of the said Petition should not be granted.

*And it is further ordered* by the Court, That all such Creditors whose places of residence are known shall be entitled to a service of notice of the said Petition and order, either personally or by letter addressed to them at their known usual place of residence, attested by the Clerk of the Court, or served at their usual place of abode by the Marshal or his deputy, or sent by mail whereof due proof shall be given.

Witness the Honorable            , Judge of the said Court, and the seal thereof, at            , in said District, on the            day of            , A. D. 18   .

{ Seal of  
the Court. }

*Clerk of District Court, for said District.*

*Form No. 52.*

NOTICE BY LETTER TO CREDITOR THAT BANKRUPT HAS PETITIONED FOR DISCHARGE.

In the District Court of the United States,  
For the            District of            .

In the Matter of

Bankrupt .

IN BANKRUPTCY.

At            , in said District,  
on the            day of            , A. D. 18   .

District of            ss:—

SIR: Take notice that a Petition has been filed in said court by            , of            , in said District, duly declared a Bankrupt under the act of Congress of March 2, 1867, for a discharge, and certificate thereof, from all his debts, and other claims provable under said act, and that the            day of            next, at            o'clock            m., is assigned for the hearing of the same, when and where you may attend and show cause, if any you have, why the prayer of the said Petition should not be granted.

*Clerk of the District Court.*

To            .

[N. B.—The certificate of the Clerk that these letters were duly mailed to each Creditor and that the proper postage stamps were placed thereon will be evidence of the fact of notice. If any are delivered to the Creditors or left at their usual place of residence, the persons so delivering or leaving them should make affidavit as follows:

*Affidavit of service of notice.*

District of \_\_\_\_\_ ss :

I, *Marshal*, [or *Deputy Marshal*, as the case may be,] make oath, that I delivered letters of which a copy is hereto annexed to the following named persons at the times and places stated in connexion with the name of each, and that I left at the last and usual place of abode in said District copies of the same letter, with the following named persons, on the day and hour mentioned in connexion with the name of each. [*Here insert names and other required particulars*]

Served personally \_\_\_\_\_, day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_,

*Marshal*, [or, *Deputy*.]

[Or, left at last usual place of abode \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_,

*Marshal*, [or, *Deputy*.]

This \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, subscribed and \_\_\_\_\_ to, before me,

\_\_\_\_\_  
*One of the Registers in Bankruptcy of said Court.*

*Form No. 53.*

CREDITOR'S SPECIFICATION OF THE GROUNDS OF HIS OPPOSITION TO THE BANKRUPT'S DISCHARGE.

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_.

In the Matter of \_\_\_\_\_

Bankrupt .

} IN BANKRUPTCY.

\_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, Creditor, having proved \_\_\_\_\_ debt against the estate of said \_\_\_\_\_, Bankrupt, and having received notice of his Petition for a discharge from his debts, do hereby oppose the granting of said discharge, and for the grounds of such opposition do file the following specification: [*Here insert one or more of the causes which should prevent the granting of the Bankrupt's discharge according to the provisions of Section Twenty-nine of said Act.*]

To \_\_\_\_\_, \_\_\_\_\_, Creditor, &c.  
\_\_\_\_\_, District Judge,  
[or, *Register in Bankruptcy*] of said District.



*Form No. 54.*

## CREDITOR'S PETITION.

To the Honorable \_\_\_\_\_, Judge of the District Court of the United States for the \_\_\_\_\_ District of \_\_\_\_\_, of the \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, Respectfully shows:—That he is a Creditor of \_\_\_\_\_, who for a period of \_\_\_\_\_ months next preceding the date of the filing of this Petition, has resided at \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, and District aforesaid;—That Your Petitioner's demand is provable against the said \_\_\_\_\_, in accordance with the provisions of the Act of Congress, entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867; That he believes that said \_\_\_\_\_, owes debts to an amount exceeding the sum of Three Hundred Dollars; That Your Petitioner's demand exceeds the amount of Two Hundred and Fifty Dollars; and that the nature of Your Petitioner's demand against the said \_\_\_\_\_, is as follows:—

A certain promissory note signed by said \_\_\_\_\_, payable to the order of Your Petitioner, [or, naming the party to whose order the said note is made payable,] of which the following is a Copy, to wit: [or, set forth evidence of indebtedness in any other form to a liquidated amount, exceeding Two Hundred and Fifty Dollars, to meet the case.]

And Your Petitioner further represents, that within the Six calendar Months next preceding the date of this Petition, the said \_\_\_\_\_, did commit an act of Bankruptcy within the meaning of said Act, to wit: In that the said \_\_\_\_\_, did heretofore, to wit: on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, depart out of, and from the State of \_\_\_\_\_, of which he is an inhabitant as aforesaid, with intent to defraud his creditors, [or, being absent during said period, he has, with intent to defraud his creditors remained absent from said State:—

[Or,

That the said \_\_\_\_\_, within the period aforesaid, to wit: On the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, within said District, did conceal himself, [or did disguise himself,] to avoid the service of Legal Process in an action for the recovery of a debt or demand, provable under said Act, to wit: To avoid the service of Legal Process in a suit \_\_\_\_\_ brought by \_\_\_\_\_ in the \_\_\_\_\_ Court, of the State of \_\_\_\_\_, [or, any other Court] in which such process had been issued, to be served upon the said \_\_\_\_\_, by \_\_\_\_\_, Marshal for said District, [or, Sheriff, Constable, or other Officer, or party, as the case may be,] at which time the said \_\_\_\_\_, did conceal himself, and remain secreted, to avoid the service of said Process, so that the said officer or party having the same to serve upon said Debtor was unable to find him, in order to make proper service of the same:—

[Or,

THAT the said \_\_\_\_\_, within the period aforesaid, to wit: At \_\_\_\_\_, in said District, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, being possessed of certain Property, to wit: [Here describe the Property,] and he, being aware that Legal Process had been issued, [or, was about to be issued,] to be levied thereon at the Suit of some one or more of his Creditors, did conceal [or, remove; or, destroy the identity] of said Property to avoid its being Attached, Taken, or Sequestered on such Process:—

[Or,

THAT the said , within the period aforesaid, to wit:—At in said District, on the day of , A. D. 18 , being possessed of certain Estate, Property, Rights or Credits, to wit: [*Here describe the Property and where situated,*] did make an Assignment [*or, Gift, Sale, Conveyance, or Transfer, as the case may be*] of the same [*or, of any part thereof—mentioning the part*] to , of , in the County of ; and State of , with intent to delay [*or, hinder ; or, defraud*] the Creditors of him, the said :—

[Or,

THAT the said , within the period aforesaid, and within said District, to wit: At , has been arrested and held in custody under and by virtue of *mesne* process, [*or Execution ; or, as the case may be,*] issued out of the Court of the United States for the District of , [*or, of any Court of any State, District, or Territory,*] within which such debtor resides or has property, founded upon a demand, in its nature, provable against the Bankrupt's Estate under said Act, and for a sum exceeding One Hundred Dollars; and that such Process is remaining in force, and not discharged by payment, or in any other manner provided by the Laws of such State applicable thereto, for a period of Seven days:—

[Or,

That the said , within the period aforesaid, and within said District, to wit:—On the day of , A. D. 18 , being Bankrupt, [*or, insolvent ; or, in Contemplation of Bankruptcy, or Insolvency,*] did make to , of , in the County of , and State of , a payment [*or, Gift, Grant, Sale, Conveyance, or Transfer*] of money [*or, of any other Property, Estate, Rights or Credits,*] [*ro,* did give to , of , in the County of , and State of , a Warrant to Confess Judgment, or, did procure, or Suffer his Property to be taken on Legal Process,] in favor of , of , in the County of , and State of ; the said judgment to be confessed, issuing out of the Court of ; with the intent to give a preference to , of , in the County of , and State of ; [*or, to one or more of his Creditors ; or, with the intent, thereby, to give preference to , of , in the County of , and State of , being a person, [or, persons,] who were liable for him as Endorser, Bail, Sureties, or otherwise, [describing the particular relation,] or, with the intent by such disposition of his Property to Defeat, or Delay the operation of said Act.*]

[Or,

That the said , within the period aforesaid, and within said District, to wit: On the day of , A. D. 18 , being a Banker, [*or, Merchant ; or, Trader ; or, as the case may be,*] has fraudulently stopped; or, suspended (and has not resumed) payment of his Commercial Paper within a period of fourteen days.

[N. B.—*Whichever of the acts is relied upon as the act of Bankruptcy of Debtor, the same must be particularly described.*]

WHEREFORE, YOUR PETITIONER PRAYS, that he, the said , may be declared a Bankrupt, and that a Warrant may be issued to take possession of his Estate; that the same may be distributed according to law; and that such further proceedings may be had thereon, as the law in such case prescribes.

Solicitor [*or, Attorney.*]

Petitioner.

*Oath to Foregoing Petition.*

UNITED STATES OF AMERICA,

District of

ss:—

I, \_\_\_\_\_, the Petitioner above named, do hereby make solemn oath that the statements contained in the foregoing Petition subscribed by me are true, so far as the same are stated of my own knowledge, and that those matters which are stated therein on information and belief, are true according to the best of my knowledge, information, and belief.

\_\_\_\_\_,  
*Petitioner.*

Subscribed and sworn [or, affirmed] to before me, this \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 18 \_\_\_\_\_.

\_\_\_\_\_,  
*District Judge, [or, Register in Bankruptcy ; or, U. S. Commissioner.]*

[N. B.—In case the parties proceeded against are a Copartnership, or a Corporation, the above forms may be varied accordingly.]

*Form No. 55.*

DEPOSITION AS TO PETITIONING CREDITOR'S CLAIM.

[To be filed with Creditor's Petition.]

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_.

In the Matter of \_\_\_\_\_

Against whom a Petition for Adjudication of Bankruptcy was Filed on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_.

IN BANKRUPTCY

At \_\_\_\_\_, in said District, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_.  
Before \_\_\_\_\_, one of the Registers of said Court, in Bankruptcy.

District of \_\_\_\_\_, ss:—

\_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of \_\_\_\_\_, being duly Sworn, [or, Affirmed] and Examined, at the Time and Place above mentioned, upon his Oath, [or, affirmation,] says that the said \_\_\_\_\_ was, [or, were,] on and before the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, and still \_\_\_\_\_ justly and truly indebted unto this Deponent,—[Here give a particular description of the Debt ]

\_\_\_\_\_, *Petitioning Creditor.*

On the \_\_\_\_\_ day of \_\_\_\_\_, before me personally appeared, \_\_\_\_\_, the above named Petitioning Creditor, and was duly sworn to the truth of the foregoing statement.

\_\_\_\_\_, *Register in Bankruptcy.*

## Form No. 56.

## DEPOSITION OF WITNESS TO ACT OF BANKRUPTCY.

[To be filed with Creditor's Petition.]

In the District Court of the United States,  
For the District of

In the Matter of

Against whom a Petition for Adjudication in Bankruptcy was Filed on the day of , A. D. 18 .

IN BANKRUPTCY.

At , in said Districts  
on the day of , A. D. 18 ,  
Before , one of the Register.  
of said Court in Bankruptcy:—

, District of , ss:—

being duly Sworn, [*or*, Affirmed,] and Examined, upon his Oath, [*or*, Affirmation,] says, that, [*Here set forth particularly the Witness's knowledge of the Act of Bankruptcy alleged to have been committed by the party proceeded against.*]

On the day of , appeared personally , the above named Witness, and was duly sworn to the truth of the foregoing statement.

\_\_\_\_\_, Register in Bankruptcy.

## Form No. 57.

## ORDER TO SHOW CAUSE, UPON CREDITOR'S PETITION.

In the District Court of the United States,  
For the District of

In the matter of

Against whom a Petition for Adjudication of Bankruptcy was Filed on the day of , A. D. 18 .

IN BANKRUPTCY.

District of , ss:—

Upon Filing proofs sustaining the allegations of the Petition aforesaid, it is—  
*Ordered*, That the said , do appear at this Court, as a Court of Bankruptcy, to be holden at , in the County of , and State of , and District aforesaid, on the day of , at o'clock M., and show Cause, if any there be, why the Prayer of said Petition should not be granted; and—

It is further *Ordered*, That a copy of said Petition, together with a copy of this order, be served on said , by delivering the same to him

personally, or by leaving the same at his last usual place of abode, in said district, at least five days previous to the day herein required for his appearance.

Witness the Honorable \_\_\_\_\_, Judge of the said Court, and  
the seal thereof, at \_\_\_\_\_, in said District, on the \_\_\_\_\_ day  
{ Seal of } of \_\_\_\_\_, A. D. 18 \_\_\_\_  
the Court. }

\_\_\_\_\_  
*Clerk of District Court, for said District.*

*Form No. 58.*

ADJUDICATION OF BANKRUPTCY—CREDITOR'S PETITION.

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_

In the Matter of \_\_\_\_\_

Bankrupt .

} IN BANKRUPTCY.

At \_\_\_\_\_, in said District  
day of \_\_\_\_\_, A. D. 18 \_\_\_\_

District of \_\_\_\_\_, ss:

This cause came on to be heard at \_\_\_\_\_, in said Court, and  
[Here state the proceedings, whether there was no opposition, or, if opposition, what proceedings were had, and when and where, and what counsel appeared for the several parties.]

And thereupon, and upon consideration of the proofs in said cause, (and the arguments of counsel thereon, if any,) it was found that the facts set forth in said Petition were true, and it is therefore adjudged, that \_\_\_\_\_ became Bankrupt within the true intent and meaning of the Act entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867, before the filing of the said Petition, and he is therefore declared and adjudged a Bankrupt accordingly. And it is further ordered that the said Bankrupt shall, within five days after the date of this order, make and deliver or transmit by mail, post paid, to the Marshal, as Messenger, a Schedule of his Creditors, and Inventory of his estate in the form, and verified in the manner required of the Petitioning debtor by the said Act.

Witness the Honorable \_\_\_\_\_, Judge of the said Court, and  
the seal thereof, at \_\_\_\_\_, in said District, on the \_\_\_\_\_ day  
{ Seal of } of \_\_\_\_\_, A. D. 18 \_\_\_\_  
the Court. }

\_\_\_\_\_  
*Clerk of District Court, for said District.*

## Form No. 59.

## WARRANT OF SEIZURE UPON ADJUDICATION OF BANKRUPTCY ON CREDITOR'S PETITION.

In the District Court of the United States.  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

District of ss :

To the Marshal of said District, [or, to either of his Deputies,] Greeting :

WHEREAS a Petition for Adjudication of Bankruptcy was on the day of , A. D. 18 , filed against , of the County of , and State of , in said District, under which he has been duly declared and adjudicated Bankrupt; you are therefore by virtue of the said Petition and the adjudication thereon, according to the provisions of the Act entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867, required, authorized, and empowered, as Messenger, to take possession of all the estate, real and personal, of said , the said Bankrupt, except such as may be by law exempt from the operation of said Act, and of all his deeds, books of account, and papers, and to keep the same safely until the appointment of an assignee.

And you are also directed to publish notice twice in the newspapers called , and , printed at , in the County of , the first publication to be made forthwith as follows :

District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

A warrant in Bankruptcy has been issued by said Court against the estate of , of the County of , of the State of , in said District, adjudged a Bankrupt upon the Petition of his Creditors, and the payment of any debts and the delivery of any property belonging to said Bankrupt, to him or to his use, and the transfer of any property by him, are forbidden by law. A meeting of the Creditors of said Bankrupt to prove their debts and choose one or more Assignees of his estate will be held at a Court of Bankruptcy to be holden at , in said District, on the day of , A. D. 18 , at o'clock m., at the office of , [giving the street and number,] one of the Registers in Bankruptcy of said Court.

Marshal, [or, Deputy Marshal,] Messenger.

And you will also serve written or printed notice by mail or personally on all Creditors whose names may be given to you by said Bankrupt within five days from the date of such adjudication, within \_\_\_\_\_ days after the date hereof, and also to said \_\_\_\_\_, the Bankrupt, which notice shall be as follows:

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_

In the Matter of \_\_\_\_\_

Bankrupt.

IN BANKRUPTCY.

District of \_\_\_\_\_, ss:—

To \_\_\_\_\_, one of the Creditors of said \_\_\_\_\_, Bankrupt.

This is to give you notice:

- 1st. That a Warrant in Bankruptcy has been issued against the estate of \_\_\_\_\_, Bankrupt aforesaid.
- 2d. That the payment of any debts, and the delivery of any property belonging to said Bankrupt, to him or to his use, and the transfer of any property by him are forbidden by law.
- 3d. That a meeting of the Creditors of the debtor to prove their debts and choose one or more Assignees of the estate will be held at a Court of Bankruptcy to be holden at \_\_\_\_\_, in said District, on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m., at the office of \_\_\_\_\_, (giving the street and number,) one of the Registers in Bankruptcy of said Court.

And the following are the names of the creditors of said Bankrupt and the amount of their debts as given to me by him.

[E. g.—A. B., (of Boston,) \_\_\_\_\_ dollars.]

\_\_\_\_\_, Messenger.

And have you there this warrant with your doings thereon.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of this Court to be affixed at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord 18 \_\_\_\_\_.

[L. s.]

Clerk of the Court.

\_\_\_\_\_, District Judge

Return by Marshal thereon.

District of \_\_\_\_\_ ss:

By virtue of the within warrant, I have taken possession of the estate of the within named \_\_\_\_\_, Bankrupt, except such as is by law excepted from the operation of said warrant by the act of Congress, and of all his deeds, books of account, and papers which have come to my knowledge, and I have published notice by advertisement on two different days in the newspapers within mentioned, the first publication of which was on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_. I also within \_\_\_\_\_ days after the date of the within warrant sent written or printed notice, as within directed, to the within named \_\_\_\_\_ Bankrupt, and to the creditors named on the schedule delivered to me by him, and herewith returned. The notices sent by mail, were deposited in the post office at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_, with the proper postage stamp affixed thereto, and those delivered personally by me to said creditors were delivered at the times and the places set opposite to the name of each, and all of said notices were according to the directions set out in this warrant.

\_\_\_\_\_, Marshal, [or, Deputy Marshal,] Messenger.

## FEES AND EXPENSES.

1. Service of warrant.....	\$2	00
2. Necessary travel at the rate of 5 cents a mile each way.....		
3. Notice to creditors, 10 cents each .....		
4. Actual expenses in publishing notices as follows.....		
5. Actual expenses in custody of property and other services as follows...		

[Here render the particulars.]

\_\_\_\_\_,  
 Marshal, [or, Deputy Marshal,] Messenger.

*Affidavit as to Expenses.*

District of \_\_\_\_\_, A. D. 18 \_\_\_\_.

Personally appeared the said \_\_\_\_\_, Messenger, and made oath that the above expenses returned by him under numbers four and five have been actually incurred and paid by him, and are just and reasonable.

Before me,

\_\_\_\_\_,  
*One of the Registers in Bankruptcy in said District.*

Form No. 60.

## ADJUDICATION WHERE DEBTOR IS FOUND NOT BANKRUPT.

In the District Court of the United States.  
 For the \_\_\_\_\_ District of \_\_\_\_\_.

In the Matter of \_\_\_\_\_

IN BANKRUPTCY.

Bankrupt .

At \_\_\_\_\_, in said District  
 on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.  
 Before Honorable \_\_\_\_\_, Judge of the \_\_\_\_\_ District of \_\_\_\_\_.  
 District of \_\_\_\_\_, ss :

This cause came on to be heard at \_\_\_\_\_, in said Court, and [Here state the proceedings, whether there was no opposition, or, if opposed; state what proceedings were had, and when and where, and what counsel appeared for the several parties]



And thereupon, and upon consideration of the proofs in said cause, (*and the arguments of counsel thereon, if any.*) it was FOUND that the facts set forth in said Petition were not proved; and it is therefore, *Ordered*, That said Petition be dismissed, and that all proceedings under the same be vacated and annulled

Witness the Honorable \_\_\_\_\_, Judge of the said Court, and  
the seal thereof, at \_\_\_\_\_, in said District, on the \_\_\_\_\_ day  
{ Seal of } of \_\_\_\_\_, A. D. 18 \_\_\_\_  
the Court. }

*Clerk of District Court, for said District.*

[N. B. 1. If default be made by the Debtor to appear pursuant to the order upon a Creditor's Petition, the subsequent order may be made by a Register in Bankruptcy.]

[N. B. 2. If no Schedule of Creditors shall be delivered to the Messenger by the Bankrupt, the Messenger shall prepare such Schedule from the best information he can obtain, and send notices accordingly.]

*Form No. 61,*

**DENIAL OF BANKRUPTCY, AND DEMAND FOR JURY BY DEBTOR.**

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_

<p>In the Matter of the Petition of _____, Creditor,  vs.  _____, Debtor.</p>	}	IN BANKRUPTCY.
---	---	----------------

At \_\_\_\_\_, in said District,  
on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_

District of \_\_\_\_\_ ss :

And now on this return day [*or, adjourned return day*] for the hearing of said Petition, the said \_\_\_\_\_ appears and denies that he has committed the act of Bankruptcy set forth in said Petition, and avers that he should not be declared Bankrupt for any cause in said Petition alleged, and this he prays may be inquired of by the Court, [*or, he demands that the same may be inquired of by a Jury.*]

Witness the Honorable \_\_\_\_\_, Judge of the said Court, and  
the seal thereof, at \_\_\_\_\_, in said District, on the \_\_\_\_\_ day  
{ Seal of } of \_\_\_\_\_, A. D. 18 \_\_\_\_  
the Court. }

*Clerk of District Court, for said District*

## Form No. 62.

## ORDER OF COURT UPON DENIAL OF BANKRUPTCY AND DEMAND FOR JURY TRIAL.

(Involuntary Bankruptcy.)

In the District Court of the United States,  
For District of

In the Matter of the Petition  
of , Creditor,

vs.

, Debtor.

IN BANKRUPTCY.

At , in the said District,  
on the day of , 18 .

District of ss :

Upon the demand in writing filed by the Respondent to said Petition, that the fact of the commission of an act of Bankruptcy may be inquired of by a Jury. it is *Ordered*, That said issue be submitted to a Jury at the present term of this Court, (if a Jury be in attendance,) *or*, if in vacation, at the next term of this Court.

Witness the Honorable , Judge of the said Court, and  
the seal thereof, at , in said District, on the day  
{ Seal of } of , A. D. 18 .  
the Court }

Clerk of District Court, for said District.

## Form No. 63.

## APPOINTMENT OF TRUSTEES UNDER SECTION 43.

In the District Court of the United States,  
For the District of

In the Matter of

Bankrupt .

IN BANKRUPTCY.

At this meeting of the Creditors of said Bankrupt, called specially by order of said Court for the purpose of determining in what manner the estate of said Bankrupt shall be settled, it was resolved by three-fourths in value of the Creditors whose claims have been proved, as follows :

1st. That it is for the interest of the general body of the Creditors of said that the estate of said . Bankrupt, should be wound up and settled,



*Order of the Court on above Proceedings.*

In the District Court of the United States,  
For the District of

In the Matter of

IN BANKRUPTCY.

Bankrupt

The foregoing certificate having been filed and read, it is *Ordered*, That the said , shall convey, transfer, and deliver all his property or estate to , as trustee by deed in the following form:

District of ss:

In the District Court of the United States for said District.

This indenture made this day of , A. D. 18 , between , (the Debtor,) of , in the County of , and State of , and on behalf and with the consent of , Creditors of the said , WITNESSETH, that the said , (the Debtor,) hereby conveys, transfers, and delivers all his estate and effects to , absolutely, to have and to hold the same in the same manner and with the same rights in all respects as the said would have had or held the same if no proceedings in bankruptcy had been taken against him, to be applied and administered for the benefit of the Creditors of said , in like manner as if said had been at the date hereof duly adjudged Bankrupt. and the said (trustees) had been appointed assignee in bankruptcy under said act.

In testimony whereof, the said , (debtor,) and the said , (trustees,) in acceptance of said trust, have hereunto set their hands and seals this day of , A. D. 18 .

Executed in presence of—

\_\_\_\_\_, [L. S.]

\_\_\_\_\_, [L. S.]

\_\_\_\_\_, [L. S.]

This day appeared before me, a Register in Bankruptcy, the above named (Bankrupt,) and acknowledged the foregoing instrument by him signed to be his free act and deed.

\_\_\_\_\_,  
*Register in Bankruptcy.*

We hereby give our assent to the execution of the above deed :

Names of Creditors.	Residence.	Amount.	
		Dolls.	Cts.

*Oath of Bankrupt.*

In the District Court of the United States,  
For the District of

In the Matter of

IN BANKRUPTCY

Bankrupt

, the said Bankrupt, being duly sworn, doth depose and say that he has conveyed, transferred, and delivered all his property to the trustees in the above indenture named, and that the persons signing their consent to the above conveyance represent three-fourths in value of all his Creditors whose claims have been proved against his estate.

, Bankrupt.

Subscribed and sworn [or, affirmed] this day of , A. D. 18 .  
Before me,

*Register in Bankruptcy.*

Witness the Honorable , Judge of the said Court, and the Seal thereof, at , in said District on the day of , A. D. 18 .

{ Seal of  
the Court. }

*Clerk of the District Court, for said District.*

*Advertisement of Trustee.*

In the District Court of the United States,  
For the District of

(In Bankruptcy.)

This is to give notice that by an indenture bearing date the day of , A. D. 18 , of , has conveyed and assigned all his estate and effects whatsoever to , as trustee, upon trust for the benefit of all the Creditors of , and that said conveyance was duly executed according to the provisions of the 43d Section of the Bankrupt Act of March 2, 1867.

Dated this day of , A. D. 18 .

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Trustees.*

*Order of Court.*

The foregoing proceedings under the 43d Section of the Bankrupt Act of March 2, 1867, having been placed on file and read, it is

*Ordered*, That all proceedings upon said Petition in Bankruptcy be stayed until the further order of the Court.

Witness the Honorable \_\_\_\_\_, Judge of said Court, and the Seal thereof,  
at \_\_\_\_\_, in said District, on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_.

{ Seal of  
the Court. }

Clerk of District Court, for said District.

*Form No. 64.*

## ORDER CONCERNING SALE OF PROPERTY BY ASSIGNEE.

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_.

In the Matter of \_\_\_\_\_

Bankrupt .

In BANKRUPTCY.

At \_\_\_\_\_, in said District on the  
\_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

District of \_\_\_\_\_, ss:—

Upon the representation of \_\_\_\_\_, a Creditor of said \_\_\_\_\_, and upon the proofs filed therewith, it is *Ordered*, That the real estate of said Bankrupt when offered for sale by his Assignee shall be sold in lots or parcels as follows, [*Here follow the direction by reference to plat or any other specific description or order in which the property shall be sold.*]

Witness the Honorable \_\_\_\_\_, Judge of said Court, and the Seal thereof,  
at \_\_\_\_\_, in said District, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

{ Seal of  
the Court. }

Clerk of District Court, for said District.

*Form No. 65.*

## ORDER CONCERNING SALE OF PROPERTY OF CORPORATION.

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_.

In the Matter of the Bankruptcy of \_\_\_\_\_

A corporation formed under the laws of  
the State of \_\_\_\_\_.

In BANKRUPTCY.

At \_\_\_\_\_, in said District on  
the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

District of \_\_\_\_\_, ss:—

Upon the representation of \_\_\_\_\_, a Creditor, [or, the party in interest.] and upon the proofs filed therewith, it is *Ordered*, That the franchise of said corporation be sold in fractional parts according to the number of shares therein, as follows, [If there be one thousand shares of the corporation, the order may require that the franchise be sold in fractions of, \_\_\_\_\_ or in any other proportion.]

Witness the Honorable \_\_\_\_\_, Judge of said Court, and the Seal thereof, at \_\_\_\_\_, in said District, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

{ Seal of }  
{ the Court. }

\_\_\_\_\_  
Clerk of District Court, for said District.

*Form No. 66.*

ORDER OF DIMINUTION OF CLAIM,

In the District Court of the United States,  
For the \_\_\_\_\_ District of \_\_\_\_\_.

In the Matter of \_\_\_\_\_

IN BANKRUPTCY.

Bankrupt .

At \_\_\_\_\_, in said District on  
the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

District of \_\_\_\_\_, ss:—

Upon the evidence submitted to this Court upon the claim of \_\_\_\_\_, against said estate, (*and, if the fact be so, upon hearing counsel thereon.*) it is *Ordered*, That the amount of said claim be reduced from the sum of \_\_\_\_\_, as set forth in the affidavit in proof of claim filed by said Creditor, in said case, to the sum of \_\_\_\_\_, and that the latter-named sum be entered upon the books of the Assignee as the true sum upon which a dividend shall be computed, [if, with interest, insert:—"with interest thereon from the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_."]

Witness the Honorable \_\_\_\_\_, Judge of the said United States District Court

\_\_\_\_\_  
Clerk of District Court, for said District.

## Form No. 67.

## EXPUNGING OR ALLOWANCE OF CLAIM.

In the District Court of the United States,  
For the District of .

In the Matter of

IN BANKRUPTCY.

Bankrupt .

At \_\_\_\_\_, in said District,  
on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 .

District of \_\_\_\_\_, ss :

Upon the evidence submitted to the Court upon the claim of  
against said estate, (*and, if the fact be so, upon hearing counsel thereon,*) it is  
*Ordered*, That said claim be disallowed and expunged from the list of claims  
upon the Assignee's record in said case.

Witness the Honorable \_\_\_\_\_, Judge of said United States District  
Court.

\_\_\_\_\_  
*Clerk of District Court for said District.*

[N. B.—If the claim is found to be good, say "*It is Ordered, That said claim be established  
to the full amount thereof.*"]

## Form No. 68.

IN CASE OF DISALLOWANCE THE CREDITOR MAY FILE THE FOLLOWING  
NOTICE OF APPEAL.

In the District Court of the United States,  
For the District of .

In the Matter of

IN BANKRUPTCY.

Bankrupt .

At \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18

To \_\_\_\_\_,

*Assignee of said estate :*

You are hereby notified that I claim an appeal from the decision of the judge  
of said Court made on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 , refusing to  
allow my claim when presented against the estate of \_\_\_\_\_, Bankrupt, to  
the Circuit Court of the United States next to be holden at \_\_\_\_\_, in said  
District, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 .

[If the appeal is from a disallowance of part of the claim, instead of "*refus-  
ing to allow my claim,*" say "*reducing my claim.*"]

\_\_\_\_\_, Creditor.



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